

LEGISLATIVE ASSEMBLY

OF ONTARIO

FIRST SECOND AND THIRD SESSIONS IN THE
TENTH PARLIAMENT

BILLS

AS ENACTED

SIXTH

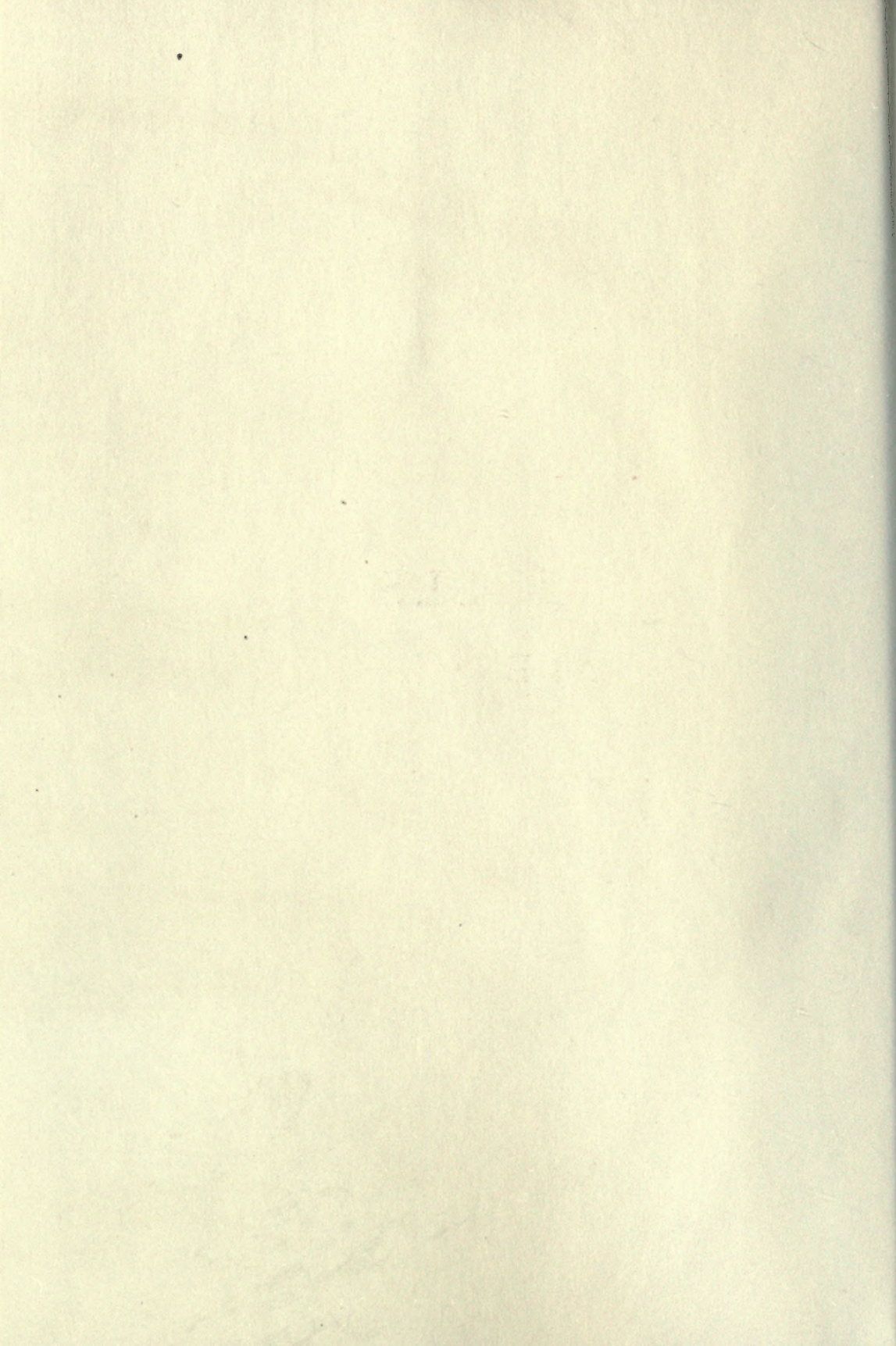
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JANUARY 1st - 1896

AND

MARCH 10th - DECEMBER 10th 1896



LEGISLATIVE ASSEMBLY OF ONTARIO

FIRST, SECOND AND THIRD SESSIONS OF THE
THIRTIETH PARLIAMENT

Assessment Act—Act to amend 8
Assignment of Book Debts Act—Act to amend 10

B
Bills of Sale and Chattel Mortgages Act—Act to amend 9

C
Conditional Sales Act—Act to amend 11
Conveyancing and Law of Property Act—Act to amend 42

D
Development Corporations Act 6

H
Highway Traffic Act—Act to amend 2
—Act to amend 27

I
Income Tax Act—Act to amend 37

J
Judicature Act—Act to amend 1

L
Landlord and Tenant Act—Act to amend 26
Liquor Licence Act—Act to amend 39

M
Motorized Snow Vehicle Act—Act to amend 34
Municipal Act—Act to amend 7
—Act to amend 48

O
Ontario Energy Board Act—Act to amend 4

BILLS AS ENACTED

SESSIONS

OCTOBER 28th to DECEMBER 18th, 1975

AND

JANUARY 15th and 16th, 1976

AND

MARCH 9th to DECEMBER 16th, 1976

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OF ONTARIO
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AND
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INDEX

FIRST SESSION, THIRTIETH PARLIAMENT

PUBLIC BILLS (GOVERNMENT)

A

Bill No.

Assessment Act—Act to amend.....	8
Assignment of Book Debts Act—Act to amend.....	10

B

Bills of Sale and Chattel Mortgages Act—Act to amend.....	9
---	---

C

Conditional Sales Act—Act to amend.....	11
Conveyancing and Law of Property Act—Act to amend.....	42

D

Development Corporations Act, 1973—Act to amend.....	6
--	---

H

Highway Traffic Act—Act to amend.....	2
—Act to amend.....	27

I

Income Tax Act—Act to amend.....	37
----------------------------------	----

J

Judicature Act—Act to amend.....	1
----------------------------------	---

L

Landlord and Tenant Act—Act to amend.....	26
Liquor Licence Act, 1975—Act to amend.....	39

M

Motorized Snow Vehicles Act, 1974—Act to amend.....	34
Municipal Act—Act to amend.....	7
—Act to amend.....	48

O

Ontario Energy Board Act—Act to amend.....	4
--	---

P

Bill No.

Planning Act—Act to amend.....	41
Public Commercial Vehicles Act—Act to amend.....	3

R

Residential Premises—Act to provide for the Review of Rents in respect of	20
Retail Businesses, Holiday Closings for—Act to regulate.....	5

S

Supply Act, 1976.....	45
-----------------------	----

INDEX

SECOND SESSION, THIRTIETH PARLIAMENT

PUBLIC BILLS (GOVERNMENT)

M

Bill No.

Metropolitan Toronto Boards of Education and Teachers Disputes—Act respecting.....	1
---	---

R

Residential Premises Rent Review Act, 1975.....	2
---	---

INDEX

THIRD SESSION, THIRTIETH PARLIAMENT

PUBLIC BILLS (GOVERNMENT)

A

Bill No.

Anti-Inflation Act (Canada)—Act to ratify the entering into of an Agreement under the.....	127
Arbitrations Act—Act to amend.....	1
Assessment Act—Act to amend.....	133

B

Blind Persons—Act to provide for Certain Rights for.....	13
Business Corporations Act—Act to amend.....	137

C

Central Algoma Board of Education and Teachers Dispute—Act respecting	51
Child Welfare Act, 1965—Act to provide for the Continuance of Certain	
Payments between Municipalities under The.....	108
City of Thunder Bay Act, 1968-69—Act to amend.....	106
Commodity Boards—Act respecting Members of.....	5
Corporations Act—Act to amend.....	138
Corporations Information Act, 1976.....	136
Corporations Tax Act, 1972—Act to amend.....	45
—Act to amend.....	99
—Act to amend.....	168
County Judges Act—Act to amend.....	14
County of Oxford Act, 1974—Act to amend.....	153
Credit Unions and Caisses Populaires Act, 1976.....	97

D

Dead Animal Disposal Act—Act to amend.....	56
District Municipality of Muskoka Act—Act to amend.....	101
—Act to amend.....	151
Drainage Act, 1975—Act to amend.....	6

E

Education Act, 1974—Act to amend.....	87
Emergency Measures Act—Act to repeal.....	12
Employees' Health and Safety—Act respecting.....	139
Environmental Protection Act, 1971—Act to amend.....	81
Evidence Act—Act to amend.....	16

F

Bill No.

Farm Income Stabilization—Act respecting.....	131
Funeral Services Act, 1976.....	171

G

Gift Tax Act, 1972—Act to amend.....	10
--------------------------------------	----

H

Highway Traffic Act—Act to amend.....	25
Housing Development Act—Act to amend.....	64

I

Income Tax Act—Act to amend.....	11
—Act to amend.....	169
Insurance Act—Act to amend.....	155

J

Judicature Act—Act to amend.....	15
—Act to amend.....	190
Judicial Review Procedure Act, 1971—Act to amend.....	84

K

Kirkland Lake Board of Education and Teachers Dispute—Act respecting	2
--	---

L

Lake Superior Board of Education—Act respecting.....	122
Legislative Assembly Act—Act to amend.....	123
Live Stock Community Sales Act—Act to amend.....	90
Local Improvement Act—Act to amend.....	8

M

Motor Vehicle Accident Claims Act—Act to amend.....	156
Municipal Act—Act to amend.....	89
—Act to amend.....	149
Municipal Conflict of Interest Act, 1972—Act to amend.....	100
Municipal Subsidies Adjustment Act—Act to repeal.....	102
Municipality of Metropolitan Toronto Act—Act to amend.....	54
—Act to amend.....	152
Municipality of Shuniah—Act respecting.....	154

N

Bill No.

New Homes—Act to provide certain Protections for Purchasers of.....	94
Niagara Escarpment Planning and Development Act, 1973—Act to amend.....	9

O

Ontario Energy Board Act—Act to amend.....	34
Ontario Guaranteed Annual Income Act, 1974—Act to amend.....	47
Ontario Municipal Employees Retirement System Act—Act to amend....	27

P

Personal Property Security Act—Act to amend.....	76
Planning Act—Act to amend.....	62
—Act to amend.....	130
Provincial Parks Act—Act to amend.....	104
Public Authorities Protection Act—Act to amend.....	18
Public Commercial Vehicles Act—Act to amend.....	39
Public Transportation and Highway Improvement Act—Act to amend...	82
Public Utilities Act—Act to amend.....	41

R

Raising of Money on the Credit of the Consolidated Revenue Fund—Act to authorize.....	43
Regional Municipalities Amendment Act, 1976.....	55
Regional Municipalities Amendment Act, 1976.....	150
Regional Municipality of Hamilton-Wentworth Act, 1973—Act to amend.	187
Representation Act, 1975—Act to amend.....	3
Residential Premises Rent Review Act, 1975 (2nd Session)—Act to amend	60
Retail Sales Tax Act—Act to amend.....	46
—Act to amend.....	170

S

Sault Ste. Marie Board of Education and Teachers Dispute—Act respecting	52
Succession Duty Act—Act to amend.....	26
Supply Act, 1976.....	33
Supply Act, 1976.....	194
Surrogate Courts Act—Act to amend.....	17

T

Territorial Division Act—Act to amend.....	7
Thunder Bay Act, 1968-69, City of—Act to amend.....	78
Tobacco Tax Act—Act to amend.....	48
Township of North Plantagenet—Act respecting.....	105
Travel Industry Act, 1974—Act to amend.....	98

U

Bill No.

Unified Family Court—Act to establish.....	189
--	-----

V

Vital Statistics Act—Act to amend.....	77
--	----

W

Windsor Board of Education and Teachers Dispute Act, 1976.....	75
Wine—Act to provide for the limited inclusion of Grapes grown outside Ontario in Ontario.....	135

PRIVATE BILLS

B

Bill No.

Bosanquet, Township of—Act respecting.....	Pr25
Burlington, City of—Act respecting.....	Pr12

C

Cambridge, City of—Act respecting.....	Pr5
--	-----

D

Dovercourt Baptist Foundation—Act respecting.....	Pr21
---	------

F

Fort Erie, Town of—Act respecting.....	Pr14
—Act respecting.....	Pr15

H

Hamilton, City of—Act respecting.....	Pr19
—Act respecting.....	Pr26

I

Institute of Professional Librarians of Ontario—Act respecting.....	Pr17
---	------

K

Kent County Roman Catholic Separate School Board—Act respecting....	Pr9
---	-----

M

McMaster University—Act respecting.....	Pr7
---	-----

N

Napco Poultry Limited—Act respecting.....	Pr11
Nepean, Township of—Act respecting.....	Pr4
Niagara Falls, City of—Act respecting.....	Pr18

O

Ottawa, City of—Act respecting.....	Pr20
-------------------------------------	------

S

Scarborough, Borough of—Act respecting.....	Pr3
St. Andrew's Church, Ottawa—Act respecting.....	Pr10

T

Bill No.

Toronto, City of—Act respecting. Pr13

W

Welland Area Y.M.C.A.-Y.W.C.A.—Act respecting. Pr22

Welland-Port Colborne Airport—Act respecting. Pr6

West Carleton, Township of—Act respecting. Pr24

Wicksteed, Township of—Act respecting. Pr2

Windsor, City of—Act respecting. Pr16

Y

York, Borough of—Act respecting. Pr8

BILL 1

Pauline G. G. G. G.

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The Judicature Act

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 1

1975

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 109 of *The Judicature Act*, being ^{s. 109 (5), amended} chapter 228 of the Revised Statutes of Ontario, 1970, is amended by striking out "20" in the third line and inserting in lieu thereof "12".
2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Judicature Amendment Act, 1975* ^{Short title}
(2nd Session).

ASSENTED TO BY LIEUTENANT-GOVERNOR

Nov. 21 1975

ASSEMBLY PROROGUED

December 17 1975

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

ss. 57a-57c.
enacted

57a.—(1) No person shall operate or permit to be operated on a highway a vehicle of a type or class prescribed by the regulations made under clause *a* of section 57c unless the vehicle displays, affixed in the place and manner prescribed in the regulations, a prescribed device as evidence that the inspection requirements and performance standards prescribed by the regulations have been complied with.

Prohibition
where
evidence of
inspection
required

(2) Where the prescribed device required by subsection 1 is not displayed as prescribed by the regulations, a constable or officer appointed for the purposes of carrying out the provisions of this Act may seize the number plates of the vehicle.

Removal
of plates
by officer

57b. No person shall issue a safety standards certificate or affix a vehicle inspection sticker except a certificate or sticker provided by the Ministry.

Certificates
and
stickers
provided by
Ministry

57c. The Lieutenant Governor in Council may make regulations,

Regulations
re
inspection
of vehicles

- (a) prescribing the types or classes of vehicles requiring the device mentioned in section 57a;
- (b) prescribing the methods and procedures relating to the use or issue of a device as evidence that the prescribed inspection procedures, inspection requirements and performance standards have been complied with;

- (c) prescribing the period of time for which the device referred to in clause *b* shall be valid and the manner of affixing and displaying the device;
- (d) prescribing the times that vehicles shall be submitted to inspection; and
- (e) defining for purposes of the regulations any word or expression used in the Act or regulations.

s. 58,
amended

2. Section 58 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is amended by adding thereto the following clauses:

- (f) "vehicle inspection record" means a form required to be completed in accordance with the regulations prior to the issue of a vehicle inspection sticker;
- (g) "vehicle inspection sticker" means the device issued as evidence that the inspection requirements and performance standards referred to in section 57*a* have been complied with.

s. 58*b* (4) (b),
re-enacted

3. Clause *b* of subsection 4 of section 58*b* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is repealed and the following substituted therefor:

- (b) to register a commercial motor vehicle, other than a dump truck, that is registered in another jurisdiction and owned by a person who does not reside in Ontario.

s. 58*c*,
amended

- 4.—(1) Section 58*c* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is amended by adding thereto the following subsection:

Affixing
vehicle
inspection
sticker

- (1*a*) No person other than a licensee, a motor vehicle inspection mechanic or a person authorized in writing by the licensee shall affix a vehicle inspection sticker to a vehicle.

s. 58*c* (2),
re-enacted

- (2) Subsection 2 of the said section 58*c* is repealed and the following substituted therefor:

Prerequisite
for issue of
safety
standards
certificate
or affixing
vehicle
inspection
sticker

- (2) A safety standards certificate in respect of a motor vehicle shall not be issued or a vehicle inspection sticker affixed to a vehicle unless,

- (a) the vehicle has been inspected by a motor vehicle inspection mechanic in the motor vehicle inspection station; and

(b) the safety standards certificate or a vehicle inspection record,

(i) is made by the motor vehicle inspection mechanic who inspected the vehicle, and

(ii) is countersigned by the licensee or a person authorized in writing by the licensee.

5. Clause *c* of subsection 8 of section 58*d* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is repealed and the following substituted therefor: s. 58*d* (8) (c),
re-enacted

(c) the licensee or any motor vehicle inspection mechanic employed in the motor vehicle inspection station has misrepresented the condition of a vehicle with respect to the standards of equipment and performance prescribed by the regulations upon an inspection of the vehicle in the station for the purpose of determining whether or not to issue a safety standards certificate, sign a vehicle inspection record or affix a vehicle inspection sticker.

6.—(1) Subsection 1 of section 58*e* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is repealed and the following substituted therefor: s. 58*e* (1),
re-enacted

(1) No person shall sign a vehicle inspection record as mechanic or certify in a safety standards certificate that a vehicle complies with the standards of equipment and performance prescribed by the regulations unless he is registered by the Director as a motor vehicle inspection mechanic in a motor vehicle inspection station and the Director may so register any person for whom application is made pursuant to subsection 2. Motor
vehicle
inspection
mechanic

(2) The said section 58*e* is amended by adding thereto the following subsection: s. 58*e*,
amended

(2*a*) The registration of a motor vehicle inspection mechanic expires with the licence of the motor vehicle inspection station to which the mechanic is registered. Expiration
of
registration

7.—(1) Clause *b* of section 58*m* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 167, section 8, is amended by adding at the end thereof "or a vehicle inspection sticker". s. 58*m* (b),
amended

(2) Clause *f* of the said section 58*m* is amended by striking out "motor" where it occurs the first time in the first line. s. 58*m* (f),
amended

s. 58m (h),
re-enacted

- (3) Clause *h* of the said section 58m is repealed and the following substituted therefor:

(h) prescribing the amount that shall be paid to the Ministry for forms of safety standards certificates and vehicle inspection stickers.

s. 58m (n),
re-enacted

- (4) Clause *n* of the said section 58m is repealed and the following substituted therefor:

(n) requiring and governing the return to the Ministry of unused forms of safety standards certificates, vehicle inspection records and vehicle inspection stickers and providing for refunds of amounts paid for such forms of certificates and stickers.

s. 68 (2a),
re-enacted

8. Subsection 2a of section 68 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 45, section 23, is repealed and the following substituted therefor:

Regulations

(2a) The Lieutenant Governor in Council may make regulations prescribing,

- (a) the manner of loading, covering and securing loads on vehicles or classes of vehicles operated on highways or prescribed classes or types thereof; and
(b) prescribing classes of vehicles and classes or types of highways.

s. 81 (2),
amended

9. Subsection 2 of section 81 of the said Act is amended by striking out "1976" in the third line and inserting in lieu thereof "1977".

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Highway Traffic Amendment Act, 1975 (2nd Session)*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec. 18 1975

ASSEMBLY PROROGUED

December 18

1975

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Highway Traffic Act

1st Reading

October 29th, 1975

2nd Reading

November 6th, 1975

3rd Reading

December 2nd, 1975

THE HON. J. W. SNOW
Minister of Transportation
and Communications

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to amend
The Public Commercial Vehicles Act**

THE HON. J. W. SNOW
Minister of Transportation and Communications

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BILL 3

1975

An Act to amend The Public Commercial Vehicles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Public Commercial Vehicles Act*, being chapter 375 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is repealed and the following substituted therefor:

s. 5 (1),
re-enacted

(1) The Minister may issue an operating licence in accordance with a certificate of public necessity and convenience issued by the Board under section 6.

Operating
licence,
issue

- 2.—(1) Subsection 1 of section 6 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 71, is amended by striking out "Except under clause *a* of subsection 1 of section 5" in the first and second lines.

s. 6 (1),
amended

- (2) Subsection 2 of the said section 6 is amended by adding at the commencement thereof "Subject to subsection 3".

s. 6 (2),
amended

- (3) The said section 6 is amended by adding thereto the following subsections:

s. 6,
amended

(3) The Board shall, in a certificate issued by it under this section pertaining to the transportation, other than by a tank truck vehicle, of,

Issue of
certificate
of approval
referring to
region of
operation
and number
of vehicles

(a) sand, gravel, earth, crushed or uncut rock and stone, asphalt mixes, slag and rubble; and

(b) salt, calcium chloride, a mixture of sand and salt, and asphalt mixes directly to highway construction or maintenance sites or to stock piles for further use on highway construction or maintenance sites,

having regard to the requirements of public necessity and convenience,

(c) approve the conferring by the licence of rights with respect to the operation of public commercial vehicles in terms of,

(i) a region or regions as prescribed by the regulations hereunder and not otherwise geographically, and

(ii) the maximum number of vehicles which may be operated; and

(d) shall not limit the rights conferred by the licence to the operation of public commercial vehicles to the transportation of materials of specific consignors or consignees.

Temporary
operating
licence

(4) The Board may, in a certificate issued by it under subsection 3, having regard to the requirements of public necessity and convenience, approve the issue of a temporary licence for a period not to exceed six months.

Expiry of
existing
licences

(5) An operating licence for the transportation of materials specified in subsection 3 that is in force immediately before the coming into force of this subsection in so far as it pertains to those materials expires with the 31st day of March, 1976.

Transitional

(6) The Minister may issue an operating licence for the transportation only of materials specified in subsection 3 within one of the prescribed regions of the applicant's choice without a certificate from the Board to an applicant who held an operating licence on March 31st, 1976, which authorized him to transport such materials, provided the application is made no later than June 30th, 1976.

Maximum
number
of
vehicles
licensed

(7) An operating licence issued pursuant to subsection 6 shall state the maximum number of vehicles which may be operated thereunder, the number to be no more than,

(a) the maximum number of vehicles licensed to the applicant under this Act exclusively for the transportation of materials specified in subsection 3 at any one time in the twelve month period ended October 31st, 1975; and

(b) such number of vehicles as the Board may determine.

(8) The determination by the Board referred to in clause *b* of subsection 7 shall be made upon application to the Board and the Board shall base its decision upon the number of vehicles licensed under this Act to the applicant for the transportation of both materials specified in subsection 3 and other goods and materials, which vehicles were used by the applicant for the purpose of transporting materials specified in subsection 3 in the twelve month period ended October 31st, 1975. Determination by Board

3.—(1) Clause *e* of section 18 of the said Act is amended by striking out "certificate of mechanical fitness" in the second line and in the fifth line and inserting in lieu thereof in each instance "safety standards certificate". s. 18 (e), amended

(2) The said section 18, as amended by the Statutes of Ontario, 1971, chapter 50, section 71 and 1973, chapter 166, section 13, is further amended by adding thereto the following clause: s. 18, amended

(s) prescribing regions within the boundaries of which goods may be transported by public commercial vehicles pursuant to an operating licence.

4. This Act comes into force on the 1st day of January, 1976. Commencement

5. This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1975 (2nd Session)*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec. 18 1975

ASSEMBLY PROROGUED December 18 1975

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

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BILL 3

An Act to amend
The Public Commercial
Vehicles Act

1st Reading

October 29th, 1975

2nd Reading

November 6th, 1975

3rd Reading

December 2nd, 1975

THE HON. J. W. SNOW
Minister of Transportation
and Communications

BILL 4 *Pauline G. G. G. G.*

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to amend
The Ontario Energy Board Act**

THE HON. D. TIMBRELL
Minister of Energy

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 4

1975

An Act to amend The Ontario Energy Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 6 of section 1 of *The Ontario Energy Board Act*, s. 1, par. 6, re-enacted being chapter 312 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

6. "gas" means natural gas, substitute natural gas, synthetic gas, manufactured gas, propane-air gas or any mixture of any of them.

2. The said Act is amended by adding thereto the following Part: Part I-A, (ss. 37b-37i), enacted

PART I-A

GAS PRIORITIES AND ALLOCATION

37b. In this Part,

Interpre-
tation

- (a) "consumer" includes a distributor who purchases all or part of his supply of gas from another distributor;

- (b) "distributor" means a person who supplies gas to a consumer.

37c.—(1) Where an allocation plan governing a distributor is approved by the Board, the distributor shall supply gas only in accordance with the allocation plan.

Distributor to comply with approved allocation plan

(2) Every distributor, at such times as may be prescribed by the regulations, shall file with the Board,

Filing by distributor

- (a) an estimate of the quantity of gas that will be available to the distributor to supply the requirements of its consumers for gas; and

- (b) the distributor's proposed plan for the allocation of the gas referred to in clause a,

for such periods of time as may be prescribed by the regulations.

Approval
of
allocation
plan

(3) The Board shall consider the proposed allocation plan filed by a distributor together with any objection or submission filed with respect thereto and shall by order approve the plan with or without such modifications or additions thereto as the Board shall determine.

Amendment
of approved
allocation
plan

(4) The Board, subject to the same procedures as nearly as possible as apply to the approval of proposed allocation plans, may by order amend an approved allocation plan on its own motion upon notice to the distributor governed by the approved allocation plan or on the application of the distributor governed by the approved allocation plan.

Board may
order
assistance
to
distributor

37d. Upon application, the Board may, after a hearing, direct a distributor to make available to another distributor such amount of gas, or any class thereof, and by such means, including sale, loan or otherwise, and on such terms and conditions, including compensation, and to be used by the receiving distributor in such manner, as may be determined by the Board.

Compliance
with
regulation,
etc.
R.S.O. 1970,
c. 390

37e. Notwithstanding section 25 of this Act and section 55 of *The Public Utilities Act*,

- (a) every distributor affected by a regulation, an order of the Board or an allocation plan approved under this Part, and every consumer affected by an order of the Board, shall comply therewith in accordance with its terms notwithstanding anything in any contract between a distributor and a consumer; and
- (b) no action shall be brought against a distributor and a distributor shall not be liable for an act or omission in respect of the supply of gas or the failure to supply gas in so far as such act or omission is authorized, permitted or required by this Part, the regulations, an order of the Board or an allocation plan approved by the Board under this Part.

Prohibition

37f.—(1) Subject to subsection 2 and the regulations, no person, except a distributor, shall use gas in Ontario that has not been acquired from a distributor.

(2) Subsection 1 does not apply to the operator of a pipeline as defined in the *National Energy Board Act* (Canada). Exception
R.S.C. 1970,
c. N-6

37g. Every order made under this Part takes effect at the time prescribed in the order and the operation of the order is not suspended by an appeal or an application under *The Judicial Review Procedure Act, 1971*. Order to take
effect
notwith-
standing
appeal
1971, c. 48

37h.—(1) The Lieutenant Governor in Council may make regulations, Regulations

- (a) prescribing a system or systems of priorities that, subject to any order of the Board and any allocation plan approved by the Board, shall be complied with by distributors in the supply of gas to consumers;
- (b) prescribing times and periods of time for the purposes of subsection 2 of section 37c;
- (c) specifying principles, criteria or factors that shall be followed by distributors in formulating and implementing allocation plans;
- (d) prescribing additional information and material to be contained in an allocation plan, or to be supplied in support of the plan;
- (e) prescribing the form in which an allocation plan shall be prepared and filed;
- (f) prescribing the procedures for notification to consumers and classes of consumers affected by a proposed plan and for inspection of the plan;
- (g) prescribing the procedures for the filing of objections or submissions in respect of any allocation plan with the Board and for the inspection of such objections or submissions;
- (h) prescribing the procedures for the implementation of approved allocation plans by distributors;
- (i) respecting the manner in which notice of allocation plans, proposed or approved, shall be given to the public;
- (j) respecting any other matter necessary or advisable to provide for situations in which the supply of gas available for use in Ontario is not sufficient to supply

all of the requirements of consumers of gas in Ontario so as to carry out effectively the intent and purpose of this Part.

Idem

(2) A regulation made under this Part may be general or particular in its application and may apply to any class of distributors, to any class of gas and to any class of consumers.

Commence-
ment

3. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

4. This Act may be cited as *The Ontario Energy Board Amendment Act, 1975 (2nd Session)*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec. 19 1975

ASSEMBLY PROROGUED

December 18 1975

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

BILL 4

An Act to amend
The Ontario Energy Board Act

1st Reading

October 29th, 1975

2nd Reading

November 6th, 1975

3rd Reading

December 9th, 1975

THE HON. D. TIMBRELL
Minister of Energy

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to regulate Holiday Closings
for Retail Businesses**

THE HON. J. MACBETH
Solicitor General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 5

1975

An Act to regulate Holiday Closings for Retail Businesses

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

(a) "holiday" means,

- (i) New Year's Day,
 - (ii) Good Friday,
 - (iii) Victoria Day,
 - (iv) Dominion Day,
 - (v) Labour Day,
 - (vi) Thanksgiving Day,
 - (vii) Christmas Day,
 - (viii) Boxing Day,
 - (ix) Sunday, and
 - (x) any other public holiday declared by proclamation of the Lieutenant Governor to be a holiday for the purposes of this Act;
- (b) "retail business" means the selling or offering for sale of goods or services by retail;
- (c) "retail business establishment" means the premises where a retail business is carried on.

Holidays
designated
for closing

(2) The Lieutenant Governor may by proclamation declare any day that is a public holiday other than a day named in subclauses i to ix of clause *a* of subsection 1 to be a holiday for the purposes of this Act.

Onus on
person
carrying
on
business

2.—(1) Every person carrying on a retail business in a retail business establishment shall ensure that no member of the public is admitted thereto and no goods or services are sold or offered for sale therein by retail on a holiday.

Onus on
employees,
etc.

(2) No person employed by or acting on behalf of a person carrying on a retail business in a retail business establishment shall,

(a) sell or offer for sale any goods or services therein by retail; or

(b) admit members of the public thereto,

on a holiday.

Exemptions:
small stores

3.—(1) Section 2 does not apply in respect of the carrying on of a retail business on a holiday where, on that day,

(a) the only goods available for sale by retail in the retail business establishment are,

(i) foodstuffs,

(ii) newspapers or periodicals, or tobacco or articles required for the use of tobacco,

(iii) antiques, or

(iv) handicrafts,

or any combination of them, or where the principal business is the sale of goods referred to in subclauses i to iv, or any of them, by retail and no other goods are available for sale except as sundries; and

(b) the number of persons engaged in the service of the public in the establishment does not at any time exceed three; and

(c) the total area used for serving the public or for selling or displaying to the public in the establishment is less than 2,400 square feet.

(2) Section 2 does not apply in respect of the carrying on of a retail business on a holiday in a pharmacy accredited under Part VI of *The Health Disciplines Act, 1974*, where, ^{Idem, pharmacies 1974, c. 47} on that day,

- (a) the dispensing of drugs upon prescription is available to the public during business hours; and
- (b) the principal business of the pharmacy is the sale of goods of a pharmaceutical or therapeutic nature or for hygienic or cosmetic purposes and no other goods are available for sale except as sundries; and
- (c) the number of persons engaged in the service of the public in the pharmacy does not at any time exceed four.

(3) Section 2 does not apply in respect of the carrying on of a retail business in a retail business establishment on a holiday where, on that day, the only goods available for sale by retail in the establishment are, ^{Idem, special services}

- (a) gasoline and motor oil and, in conjunction therewith, other goods for consumption in the operation of a motor vehicle; or
- (b) nursery stock or flowers, and in conjunction therewith, accessory gardening supplies; or
- (c) fresh fruit or vegetables in respect of holidays falling between the 1st day of April and the 30th day of November of the same year.

(4) Section 2 does not apply in respect of the carrying on of a retail business in a retail business establishment on a Sunday where, ^{Idem, Saturday closing}

- (a) the retail business establishment was closed to the public and no goods or services were sold or offered for sale therein during a period of twenty-four consecutive hours in the period of thirty-two hours immediately preceding the Sunday; and
- (b) the number of persons engaged in the service of the public in the establishment on the Sunday does not at any time exceed seven; and

- (c) the total area used for serving the public or for selling or displaying to the public in the establishment on the Sunday is less than 5,000 square feet.

Idem,
under
licences or
other Acts

(5) Section 2 does not apply in respect of the sale or offering for sale by retail,

R.S.O. 1970,
c. 250

- (a) of liquor under the authority of a licence or permit issued under *The Liquor Licence Act*;

R.S.O. 1970,
c. 122

- (b) of goods or services under the authority of a tourist establishment licence issued under *The Tourism Act*;

R.S.C. 1970,
c. L-13
R.S.O. 1970,
c. 259

- (c) of goods or services permitted under the *Lord's Day Act* (Canada) or *The Lord's Day (Ontario) Act*.

Idem,
education,
recreation,
amusement

(6) Section 2 does not apply in respect of the admission of the public to premises for educational, recreational or amusement purposes or in respect of the sale or offering for sale of goods or services incidental thereto.

Idem,
necessary
services

(7) Section 2 does not apply in respect of services sold in connection with the sale or offering for sale by retail of any goods permitted by this Act to be sold, and does not apply in respect of goods or services sold or offered for sale by retail in the form of or in connection with,

- (a) prepared meals;
- (b) living accommodation;
- (c) laundromats and other coin-operated services;
- (d) rentals of vehicles or boats;
- (e) servicing and repair of vehicles or boats.

Idem,
under by-law
or regulation

(8) Section 2 does not apply to retail business establishments or any class thereof in respect of which a by-law or regulation has been made under section 4 while the establishment is not in contravention of any conditions provided for in the by-law or regulation.

Interpre-
tation

4.—(1) In this section, "municipality" means a local municipality and includes a regional, district or metropolitan municipality but does not include the area municipalities thereof.

Municipal
exceptions

(2) Where it is essential for the maintenance or development of a tourist industry, the council of a municipality

may by by-law provide that section 2 does not apply to any class of retail business establishment in respect of the sale by retail of such goods or services on such holidays, for such periods of time, in such parts of the municipality and under such conditions as are specified in the by-law.

(3) The Lieutenant Governor in Council may make regulations providing that section 2 does not apply to any class of retail business establishment in territory without municipal organization or any part thereof in respect of the sale by retail of such goods or services on such holidays for such periods of time and under such conditions as are specified in the regulations. Exceptions in territory without municipal organization

(4) A by-law or regulation made under this section may classify retail business establishments by size, number of persons employed, character of business, location or any other criterion. Classification of establishments

5. It is lawful for any person not prohibited by this Act to sell, offer for sale or purchase any goods, chattels or other personal property or to employ any other person in connection therewith on the Lord's Day where to do so would, but for this Act, be unlawful under section 4 of the *Lord's Day Act* (Canada). Exception from R.S.C. 1970, c. L-13

6. Any provision of any other Act empowering a municipality to regulate the closing or the hours of operation of a retail business does not include the power to permit the carrying on of the retail business on a holiday where to do so is prohibited by this Act, but nothing in this Act shall be construed to affect any power conferred on a municipality to prohibit the carrying on of a retail business on a day when the carrying on of the retail business is not prohibited by this Act. Powers of municipalities

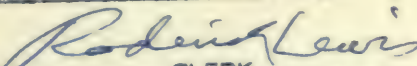
7. Every person who contravenes section 2 is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000. Penalty

8. This Act comes into force on the 1st day of January, 1976. Commencement

9. This Act may be cited as *The Retail Business Holidays Act*, 1975 (2nd Session). Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec. 18 1975

ASSEMBLY PROROGUED December 18 1975


CLERK
LEGISLATIVE ASSEMBLY

An Act to regulate
Holiday Closings for Retail
Businesses

1st Reading

October 29th, 1975

2nd Reading

November 6th, 1975

3rd Reading

December 18th, 1975

THE HON. J. MACBETH
Solicitor General

BILL 6

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1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to amend
The Development Corporations Act, 1973**

THE HON. C. BENNETT
Minister of Industry and Tourism

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL 6

1975

An Act to amend The Development Corporations Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Development Corporations Act, 1973*, being chapter 84, as amended by the Statutes of Ontario, 1973, chapter 125, section 1, is further amended by striking out "fifteen" in the amendment of 1973 and inserting in lieu thereof "sixteen". s. 2 (1),
amended
2. Section 3 of the said Act is amended by striking out "thirteen" in the fourth line and inserting in lieu thereof "fourteen". s. 3,
amended
3. Section 4 of the said Act is amended by striking out "thirteen" in the fourth line and inserting in lieu thereof "fourteen". s. 4,
amended
4. Section 8 of the said Act is repealed and the following substituted therefor: s. 8,
re-enacted

8.—(1) The Lieutenant Governor in Council shall appoint a person to be the chief executive officer of the corporations. Chief
executive
officer

(2) Where the chief executive officer is not a director or an officer in the public service of Ontario, he shall be paid such remuneration and expense allowance as may from time to time be fixed by the Lieutenant Governor in Council. Remuner-
ation

5. Section 12 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 125, section 2, is further amended by adding thereto the following subsections: s. 12,
amended

(6) Each corporation may, for the objects set out in section 11 and subject to the approval of the Lieutenant Governor in Council, make a loan to a municipality mentioned in Subsidies

subsection 8 carrying on an industrial undertaking in Ontario, subject to such terms and conditions as the Lieutenant Governor in Council approves.

**Policy
directions**

(7) In the exercise of its powers respecting the acquisition, financing, use and development of land in connection with industrial undertakings, each corporation shall comply with any directions from time to time given to it in writing by the Lieutenant Governor in Council or the Minister expressing the policy of the Government of Ontario.

**Munici-
palities**

(8) In this section, "industrial undertaking" includes an undertaking by a city, town, village, township or county or a regional, district or metropolitan municipality to encourage or assist in the development and diversification of industry.

**Commence-
ment**

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Development Corporations Amendment Act, 1975 (2nd Session)*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 18 1975

ASSEMBLY PROROGUED December 18 1975

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

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An Act to amend
The Development Corporations
Act, 1973

1st Reading

October 29th, 1975

2nd Reading

November 13th, 1975

3rd Reading

December 2nd, 1975

THE HON. C. BENNETT
Minister of Industry and Tourism

BILL

Pauline G. G. S. H.

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The Municipal Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

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BILL 7

1975

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 50 of subsection 1 of section 354 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1974, chapter 136, section 15, is further amended by adding thereto the following clause:

s. 354 (1),
par. 50,
amended

 - (d) Where land is being acquired or developed in accordance with an agreement entered into between a municipality and a corporation, as defined in *The Development Corporations Act, 1973*, and the corporation is lending money to the municipality under the terms of such agreement, the municipality may give security therefor to the corporation by way of mortgage on such land or may furnish such other security as the corporation considers appropriate.

Agreement
with
development
corporation
1973, c. 84
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. This Act may be cited as *The Municipal Amendment Act, 1975 (2nd Session)*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec. 18 1975

ASSEMBLY PROROGUED December 18 1975

Robert Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Municipal Act

1st Reading

October 29th, 1975

2nd Reading

November 13th, 1975

3rd Reading

December 2nd, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to amend
The Assessment Act**

THE HON. A. K. MEEN
Minister of Revenue

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 46 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 41, section 16, is repealed and the following substituted therefor: s. 46 (4),
re-enacted

(4) As soon as practicable after the return of the assessment roll in a municipality, the Assessment Review Court shall hear and dispose of all appeals of assessments for the year for which the roll is returned, and when the appeals have been disposed of by the Assessment Review Court, the regional registrar of the Assessment Review Court shall certify the assessment roll to be the last revised assessment roll of the municipality for the year for which the assessments thereon are made. Time for
disposing
of appeals

2. Section 90 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, is amended by adding thereto the following subsection: s. 90,
amended

(2) For the purposes of subsection 1 and of section 86, where a residential assessment is made with respect to a unit, as defined in *The Condominium Act*, a proposed unit, as defined in that Act, or a unit or suite in the building of a co-operative housing corporation, the value at which such unit, proposed unit or suite shall be assessed shall be based on the same proportion of the market value thereof as that at which owner-occupied single-family residences in the vicinity are assessed. Con-
dominium
and
co-
operative
housing
R.S.O. 1970,
c. 77

- 3.—(1) Subsection 2 of section 97 of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 161, section 2, is amended, s. 97 (2),
amended

- (a) by striking out "Notwithstanding section 96," in the first line; and
- (b) by striking out "1974" in the third line and inserting in lieu thereof "1977".

s. 97 (7),
re-enacted

- (2) Subsection 7 of the said section 97 is repealed and the following substituted therefor:

Return of
second roll
not
prevented

(7) For the purposes of providing, in any municipality or territory without municipal organization comprised in a locality, an assessment roll for taxation in the year following that in which a new assessment roll is returned in such municipality or territory without municipal organization comprised in a locality on a day named in a proclamation made under this section, nothing contained in this section shall be construed to prevent the return, in the year in which such new assessment roll has been returned, in such municipality or territory without municipal organization comprised in a locality of a second assessment roll in accordance with the provisions of this Act that will be in force in such municipality or territory without municipal organization comprised in a locality after the proclamation comes into force.

Commence-
ment

4. This Act comes into force on the 1st day of December, 1975.

Short title

5. This Act may be cited as *The Assessment Amendment Act, 1975 (2nd Session)*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 21 1975
ASSEMBLY PROROGUED December 18 1975

Roderick Lauri

CLERK
LEGISLATIVE ASSEMBLY



An Act to amend
The Assessment Act

1st Reading

October 29th, 1975

2nd Reading

November 13th, 1975

3rd Reading

November 20th, 1975

THE HON. A. K. MEEN
Minister of Revenue

BILL 91 *amended by G. G. S. Han*

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to amend
The Bills of Sale and Chattel Mortgages Act**

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 9

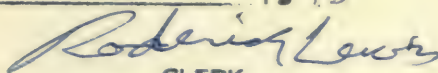
1975

**An Act to amend
The Bills of Sale and Chattel Mortgages Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 39 of *The Bills of Sale and Chattel Mortgages Act*, ^{s. 39, amended} being chapter 45 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 27, is further amended by adding thereto the following clause:
 - (aa) extending the time for registration of mortgages and conveyances where, in the opinion of the Lieutenant Governor in Council, registration within the time prescribed by this Act is impracticable because of a general interruption in mail service.
- (2) The said section 39 is further amended by adding thereto ^{s. 39, amended} the following subsection:
 - (2) A regulation made under clause aa of subsection 1 ^{Validation of late registrations} may apply to validate a registration purporting to have been made before the regulation comes into force.
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}
3. This Act may be cited as *The Bills of Sale and Chattel Mortgages Amendment Act, 1975 (2nd Session)*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov. 21 1975
 ASSEMBLY PROROGUED December 18 1975


 CLERK
 LEGISLATIVE ASSEMBLY

An Act to amend
The Bills of Sale and Chattel
Mortgages Act

1st Reading

October 29th, 1975

2nd Reading

November 13th, 1975

3rd Reading

November 20th, 1975

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The Assignment of Book Debts Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

BILL 10

1975

**An Act to amend
The Assignment of Book Debts Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 21 of *The Assignment of Book Debts Act*, being ^{s. 21.} amended chapter 33 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 24, is further amended by adding thereto the following clause:

(aa) extending the time for registration of assignments where, in the opinion of the Lieutenant Governor in Council, registration within the time prescribed by this Act is impracticable because of a general interruption in mail service.

- (2) The said section 21 is further amended by adding thereto ^{s. 21.} amended the following subsection:

(2) A regulation made under clause aa of subsection 1 ^{Validation of late registrations} may apply to validate a registration purporting to have been made before the regulation comes into force.

2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}ment
3. This Act may be cited as *The Assignment of Book Debts* ^{Short title} *Amendment Act, 1975 (2nd Session)*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Nov. 21, 1975

ASSEMBLY PROROGUED

December 18

1975

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

BILL 10

**An Act to amend
The Assignment of Book Debts Act**

1st Reading

October 29th, 1975

2nd Reading

November 13th, 1975

3rd Reading

November 20th, 1975

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

BILL 11

Pauline G. G. H.

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The Conditional Sales Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 11

1975

An Act to amend The Conditional Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 17 of *The Conditional Sales Act*, being chapter 76 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 1, section 34, is further amended by adding thereto the following clause:

s. 17.
amended

(aa) extending the time for registration of contracts where, in the opinion of the Lieutenant Governor in Council, registration within the time prescribed by this Act is impracticable because of a general interruption in mail service.
- (2) The said section 17 is further amended by adding thereto the following subsection:

s. 17.
amended

(2) A regulation made under clause aa of subsection 1 may apply to validate a registration purporting to have been made before the regulation comes into force.

Validation
of late
registrations
2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment
3. This Act may be cited as *The Conditional Sales Amendment Act*, 1975 (2nd Session).

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Nov 21 19 75

ASSEMBLY PROROGUED December 18 19 75

Robert Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Conditional Sales Act

1st Reading

October 29th, 1975

2nd Reading

November 13th, 1975

3rd Reading

November 20th, 1975

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

BILL 20

Pauline G. G. S. Hon

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to provide for the
Review of Rents in respect of Residential Premises**

THE HON. J. R. RHODES
Minister of Housing

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 20

1975

**An Act to provide for
the Review of Rents in respect of
Residential Premises**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Residential Premises Rent Review Board established under this Act;
- (b) "building" includes any number of residential premises that are structurally joined together, whether or not any such individual residential premises is capable of standing alone should the residential premises that it adjoins be demolished;
- (c) "landlord" includes lessor, owner, the person giving or permitting the occupation of the premises in question and his or their heirs and assigns and legal representatives;
- (d) "Minister" means the Minister of Housing, or such other member of the Executive Council as is designated by the Lieutenant Governor in Council to administer this Act;
- (e) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (f) "project" means any number of adjacent residential premises that are situate on a common site of land whether contained in one building or more than one building;

- (g) "regulations" means the regulations made under this Act;
- (h) "rent" includes the amount of any consideration paid or given or required to be paid or given by or on behalf of a tenant for occupancy of residential premises and for any service, privilege, accommodation or thing that the landlord provides for the tenant, whether or not a separate charge is made for such service, privilege, accommodation or thing;
- (i) "Rent Review Officer" means a Rent Review Officer appointed under section 2 of this Act;
- (j) "residential premises" means,
- (i) any premises used or intended to be used for residential purposes, and
 - (ii) land used as a site for a mobile home used for residential purposes;
- (k) "tenancy agreement" means an agreement between a landlord and a tenant for possession of residential premises, whether written, oral or implied.

Rent Review Officers

2.—(1) The Lieutenant Governor in Council may appoint such number of Rent Review Officers as are considered necessary for the purposes of this Act.

Remuneration

(2) Each Rent Review Officer shall be reimbursed for his reasonable travelling expenses and out-of-pocket expenses necessarily incurred by him in the discharge of his duties and in addition may be paid such remuneration for his services as the Lieutenant Governor in Council may determine.

Powers of Minister

(3) The Minister may, by order, establish regions in Ontario and may from time to time designate one or more Rent Review Officers to exercise the powers conferred and duties imposed upon a Rent Review Officer, in each such region.

Municipality may appoint Rent Review Officers

(4) A municipality may, on the approval of the Minister, appoint such number of Rent Review Officers as are considered necessary for the purposes of this Act within that municipality.

Application of s. 19

(5) Where a municipality has appointed Rent Review Officers under subsection 4, it may exercise such of the

powers of the Minister under section 19 as are applicable to the Rent Review Officer and to hearings before him.

3. This Act applies to tenancies of residential premises notwithstanding any other Act and notwithstanding any agreement or waiver to the contrary, except as specifically provided in this Act. Application of Act

4.—(1) Notwithstanding the terms of any tenancy agreement under which occupancy of residential premises is granted or renewed to a tenant for any period commencing at any time after the 29th day of July, 1975, and before the 1st day of January, 1976, no landlord shall charge that tenant for any rental payment period between those dates, an amount of rent which, when computed on a monthly basis, is more than 8 per cent greater than the amount of rent charged for the same residential premises for the last full month for which the premises were rented prior to the 1st day of August, 1975. Maximum permitted increase in rent between July 29, 1975 and January 1, 1976

(2) Unless a landlord brings an application under subsection 7 or a tenant brings an application under subsection 8, where rent is paid by a tenant to a landlord in respect of any rental period between the dates mentioned in subsection 1 that is in excess of the amount permitted under that subsection, the landlord shall, within sixty days of the day this Act receives Royal Assent, pay to the tenant the amount of the excess rent paid. Recovery of excess rent paid

(3) Where a landlord fails to pay to the tenant entitled thereto the amount of excess rent that is due within the time limited in subsection 2, the Rent Review Officer for the region in which the premises are situate, shall, on the application of the tenant, determine the amount that is due and shall order the payment of the amount by the landlord to the tenant within five clear days of the date of the order, and, where a landlord fails to comply with the order, the tenant shall be entitled to deduct the amount owing to him under the said order from the next month's rent and so continue until the full amount of the order has been satisfied. Idem

(4) Subsection 4 of section 7 applies, *mutatis mutandis*, to an order made under subsection 3. Application of s. 7 (4)

(5) Nothing in this section or in section 5 prevents the charging by a landlord of a rental increase greater than 8 per cent under a tenancy agreement for any period between the dates set out in subsection 1 where the land- Agreements re rental increases

lord and the tenant so agree within thirty days of the day this Act receives Royal Assent, provided however, the tenant may revoke such agreement by serving a notice of revocation on the landlord within thirty days of the making of the agreement.

Where premises rented for first time, basis of future rent determinations

(6) Where residential premises not situate in a building to which clause *c* of section 14 applies, and not previously rented as residential premises, become first rented under a tenancy agreement whereunder occupancy is granted for any period commencing after the 29th day of July, 1975, for the purposes of subsection 1 of this section and subsections 1 and 2 of section 5, the rent charged for the first full month under such tenancy agreement shall form the basis on which future determinations of rent shall be made under this Act.

Application by landlord for increase in rent

(7) Where a landlord is of the opinion that increased operating costs and capital expenses which he has experienced in respect of residential premises or the building or project in which they are situate will exceed the increase in rent permitted under subsection 1 and therefore desires an additional increase in the rent for the residential premises for any rental payment period between the 29th day of July, 1975, and the 1st day of January, 1976, he may, not later than the 31st day of January, 1976 apply in the form and manner prescribed by the regulations to the Rent Review Officer for the region in which the premises are situate for approval of the rent increase and shall, at the same time, also give a copy of his application for increase to the tenant of the residential premises.

Application by tenant to require justification of increase

(8) Where a tenant who has entered into a tenancy agreement granting occupancy or renewal of occupancy of residential premises for any period commencing at any time after the 29th day of July, 1975, and before the 1st day of January, 1976, wishes to dispute the amount of a rent increase for any period or periods of occupancy between the 29th day of July, 1975 and the 1st day of January, 1976, and whether or not such increase is within the limits set out in subsection 1, he may, not later than the 31st day of January, 1976, give notice to the landlord in the form prescribed by the regulations requiring the landlord to apply to the Rent Review Officer for the region in which the premises are situate to justify the rent increase and subsection 5 of section 5 applies *mutatis mutandis*.

Recovery of excess rent paid

(9) Where the Rent Review Officer approves an increase in rent on an application brought under subsection 7

that is less than that provided in the tenancy agreement, or where the Rent Review Officer reduces the rent payable on an application brought under subsection 8, the landlord shall, within ten days of the day the Rent Review Officer gives his decision, pay to the tenant the amount of excess rent paid during the period between the dates set out in subsection 1, and where the landlord fails to pay the tenant within the ten day period, subsection 3 applies *mutatis mutandis*.

5.—(1) Except as provided in subsection 3, and notwithstanding the terms of any tenancy agreement under which occupancy of residential premises is granted or renewed to a tenant for any period commencing at any time after the 29th day of July, 1975, and before the 1st day of August, 1976, no landlord shall charge that tenant for any rental payment period between the 31st day of December, 1975, and the 1st day of August, 1976, an amount of rent which, when computed on a monthly basis, is more than 8 per cent greater than the amount of rent charged for the same residential premises for the last full month for which the premises were rented prior to the 1st day of August, 1975.

Maximum permitted increase in rent between January 1, 1976 and August 1, 1976

(2) Except as provided in subsection 3, notwithstanding the terms of any tenancy agreement giving a tenant a right to occupy or to renew the occupancy of residential premises for any period commencing on or after the 1st day of August, 1976, and before the 1st day of August, 1977, no landlord shall charge a tenant for any rental period between those dates an amount of rent for that residential premises which exceeds the last rent which was lawfully charged for an equivalent rental period under the immediately preceding tenancy agreement of the residential premises previous to the 1st day of August, 1976, by a percentage amount to be determined not later than the 1st day of April, 1976, by the Lieutenant Governor in Council.

Maximum permitted increase in rent between August 1, 1976 and August 1, 1977

(3) Where a landlord is of the opinion that increased operating costs and capital expenses which he has experienced, or anticipates on reasonable grounds that he will experience in respect of residential premises or the building or project in which they are situate will exceed the increase in rent permitted under subsection 1 or 2 and therefore desires an additional increase in the rent for the residential premises for any rental payment period between the 31st day of December, 1975, and the 1st day of August, 1977, he may at least sixty days prior to the commencement or renewal of the tenancy agreement with respect thereto, or in the case where entitlement to occupancy under the

Application by landlord for increase in rent

tenancy agreement occurred on or after the 30th day of July, 1975, and on or before the 29th day of February, 1976, not later than the 31st day of January, 1976, apply in the form and manner prescribed by the regulations to the Rent Review Officer for the region in which the premises are situate for approval of the rent increase applied for or provided for under the tenancy agreement, as the case may be, and shall, at the same time, also give a copy of his application for increase to the tenant of the residential premises.

Application
by tenant
to require
justification
of increase

(4) Where a tenant who has entered into a tenancy agreement granting occupancy or renewal of occupancy of residential premises for any period commencing at any time after the 29th day of July, 1975, and before the 1st day of August, 1977, wishes to dispute the amount of a rent increase, other than a rent increase that has been approved by a Rent Review Officer, for any period or periods of occupancy between the 1st day of January, 1976, and the 31st day of July, 1977, and whether or not such increase is within the limits set out in subsections 1 and 2, he may, not later than sixty days after he receives notice of the increase, or before the 31st day of January, 1976, whichever last occurs, give notice to the landlord in the form prescribed by the regulations requiring the landlord to apply to the Rent Review Officer for the region in which the premises are situate to justify the increase.

Procedure by
landlord

(5) The landlord shall, within fifteen days of his receipt of a notice from a tenant under subsection 4, either,

- (a) reduce the rent increase to an amount agreed upon by himself and the tenant provided that the amount of the increase does not exceed the limits set out in subsections 1 and 2; or
- (b) file an application in the form and manner prescribed in the regulations with the Rent Review Officer for the region in which the premises are situate, setting forth the particulars which he claims justify such increase, and may in such application apply for a greater increase than that set forth in his original notice of increase to the tenant, provided that if the landlord has already filed an application under subsection 3 and has given a copy thereof to the tenant, he need file no further application under this subsection.

Copy of
application

(6) Where a landlord files an application under clause b of subsection 5, he shall forthwith give to the tenant a copy of the application.

(7) Where a landlord fails to either reduce the rent increase under clause *a* of subsection 5 or to apply to the Rent Review Officer under clause *b* of subsection 5 within the fifteen-day period mentioned in subsection 5, the tenant may apply to the Rent Review Officer for an order declaring the proposed increase in rent to be null and void.

(8) The Rent Review Officer shall, within ten clear days of the filing of the landlord's or the tenant's application, as the case may be, give written notice to the landlord and to the tenant of the date, time and place which he has fixed for a hearing of the application.

(9) Where more than one tenant in the same building or project has received notice of rent increase, and has required that the landlord apply to the Rent Review Officer to justify such increase, or where a landlord has applied to the Rent Review Officer under subsection 3 for approval of an increase respecting the occupancy of several tenants in the same building or project, the Rent Review Officer may in his discretion fix a common date for the hearing of all such applications.

(10) A landlord shall, together with his application for a rent increase or for a rent increase justification under subsection 3 or 4, file with the Rent Review Officer a list of all the residential premises in the building or project in which the subject residential premises are situate, together with the present rent charged and the termination or renewal date of each.

(11) The Rent Review Officer, prior to giving written notice of hearing to the landlord and the tenant under subsection 8 may, in his discretion, order the landlord to file applications for settlement of rents to be charged for any or all of the remaining residential premises in the building or project if and when such residential premises are relet or renewed within the current rent review period under subsection 1 or 2.

(12) Where the Rent Review Officer makes an order under subsection 11, the landlord shall thereupon apply for the settlement of rents for such premises in the form prescribed by the regulations and shall give copies thereof to the respective tenants occupying such premises and the Rent Review Officer shall thereupon fix a common date for the hearing of all such applications.

(13) Where the Rent Review Officer has given notice of a hearing of an application under subsection 8 or 12, he shall make available to all parties to the hearing all material

filed with him in connection with that application together with any information which he requests from any party.

Idem

(14) Material to be made available under subsection 13 includes any books, records or other information supporting an application or requested by the Rent Review Officer.

Notice of
justification
for rent
increase
R.S.O. 1970,
c. 236

6. At the time of the giving of a notice of rent increase under *The Landlord and Tenant Act*, the landlord seeking the increase shall at the same time supply the tenant receiving the same with a notice of justification for the increase in the form prescribed by the regulations.

Procedure
at hearing

7.—(1) The Rent Review Officer may give directions for the conduct and carrying on of proceedings before him, and in so doing he shall adopt the most expeditious method of determining the questions arising before him that afford to all parties to the proceedings an adequate opportunity of knowing the issues in the proceedings and of presenting material and making representations on their behalf.

Matters to
be considered
by Rent
Review
Officer

(2) In determining the questions arising before him on an applications, the Rent Review Officer shall consider,

- (a) any increase in rent for the residential premises which took effect in the year 1974 or on or before the 29th day of July in the year 1975;
- (b) whether or not the increase in rent sought by the landlord is necessary in order to prevent the landlord sustaining a financial loss in the operation of the building in which the residential premises are situate; and
- (c) such other matters as may be prescribed by the regulations.

Powers of
Rent Review
Officer

(3) After hearing the application, the Rent Review Officer may,

- (a) approve the amount of the increase sought by the landlord if he is satisfied that increased operating costs and capital expenses justify the amount of the rent increase;
- (b) order that the landlord reduce the amount of the rent increase to such lesser amount as he may specify;

- (c) order the landlord to repay to the tenant within five clear days of the date of the order rent paid in excess of the amount which he has fixed in his order under clause *b*, and where the landlord fails to comply with the order the tenant shall be entitled to deduct the amount owing to him under the said order from the next month's rent;
- (d) order the tenant to pay to the landlord any amount of money owing to him by reason of the decision of the Rent Review Officer; or
- (e) order the landlord to reduce the amount of the rent payable from the day of the order to such lesser amount as he may specify,

and shall give a copy of his order together with written reasons for his decision to all the parties who appeared on the hearing. Reasons

(4) On the request of any party to the proceedings, the Rent Review Officer shall file a copy of any order made by him under subsection 3 in the office of the Registrar of the Supreme Court under section 19 of *The Statutory Powers Procedure Act, 1971*, which applies thereto. Final decision may be filed in Supreme Court
1971, c. 47

(5) Except as provided in subsection 4, *The Statutory Powers Procedure Act, 1971* does not apply to proceedings before the Rent Review Officer. 1971, c. 47,
not to apply

(6) A Rent Review Officer for the purposes of a hearing before him has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such hearing as if it were an inquiry under that Act. Application of
1971, c. 49

8. Until such time as the Rent Review Officer renders his decision, a rent increase up to the limits imposed by subsections 1 and 2 of section 5 may be charged and collected by the landlord. Rent chargeable pending decision of Rent Review Officer

9. For the purposes of this Act, unless the Rent Review Officer otherwise determines, where a landlord discontinues a service, privilege, accommodation or thing and such discontinuance results in a reduction of the tenant's use and enjoyment of the residential premises, the value of such discontinued service, privilege, accommodation or thing shall be deemed to be a rent increase. Deemed rent increase

10. No tenant shall,

Subletting and assignment

- (a) sublet the balance of his term under a tenancy agreement for a consideration that is greater than the rent that is lawfully charged by the landlord under this Act; or
- (b) charge any consideration for an assignment of his tenancy agreement.

Additional
powers of
Rent Review
Officer

11. In addition to his other jurisdiction under this Act, the Rent Review Officer may, upon the application of any landlord, tenant or sub-tenant of residential premises, hold a hearing and determine whether,

- (a) the discontinuance of a service, privilege, accommodation or thing by the landlord has resulted in a reduction in a tenant's use and enjoyment of residential premises and constitutes an increase in rent;
- (b) a sub-tenant under a tenancy agreement of residential premises has been charged a rental increase which is prohibited by section 10; or
- (c) this Act applies to particular residential premises,

and may order,

- (d) in the case mentioned in clause *a*, a reduction in the rent to be paid by the tenant;
- (e) in the case mentioned in clause *b*, that the increase be repaid to the sub-tenant by the tenant; or
- (f) in the case mentioned in clause *c*, that this Act does or does not apply to the residential premises.

Residential
Premises
Rent Review
Board
established

12.—(1) A board to be known as the Residential Premises Rent Review Board is established composed of such number of members as the Lieutenant Governor in Council may appoint and of the total number of members appointed, at least one-half shall be persons representative of tenants.

Chairman

(2) One of the members shall be designated by the Lieutenant Governor in Council as chairman of the Board.

Remunera-
tion

(3) Each member shall be reimbursed for his reasonable travelling or out-of-pocket expenses necessarily incurred by him in the discharge of his duties and, in addition, may be paid such remuneration for his services as the Lieutenant Governor in Council may determine.

(4) Members of the Board shall hold office during pleasure. Term of office

(5) Two members of the Board, one of whom shall be representative of tenants, constitute a quorum and are sufficient for the exercise of all the jurisdiction and powers of the Board and their decision on an application shall be the decision of the Board. Quorum

(6) The chairman shall from time to time assign the members of the Board to its various sittings and may change such assignments at any time. Assignment of members

(7) Subject to the provisions of *The Statutory Powers Procedure Act, 1971*, the Board may determine its own procedure for the conduct of hearings. Procedure 1971, c. 47

13.—(1) A landlord or tenant who has appeared at a hearing held by a Rent Review Officer may appeal from the decision of the Rent Review Officer to the Board. Appeal to Board

(2) An appeal to the Board shall be by notice in writing in the prescribed form filed with the Board not later than fifteen days of the date of the order of the Rent Review Officer and shall be given to any other party who was entitled to appear at the hearing not later than thirty days after the filing of the notice with the Board. Notice of appeal

(3) Where an appeal is brought, the Board shall hear the appeal at a location situate within the region in which the proceedings were commenced. Where appeal to be heard

(4) On an appeal, the Board shall proceed by way of a hearing *de novo* and after the hearing the Board may, Procedure and power of Board

(a) affirm the decision of the Rent Review Officer; or

(b) make any other decision the Rent Review Officer is authorized to make under this Act, and for such purposes the Board may substitute its opinion for that of the Rent Review Officer.

(5) The decision of the Board under subsection 4 is final and not subject to appeal. Decision final

(6) Subsection 4 of section 7 applies *mutatis mutandis* to an order or decision of the Board made under subsection 4 of this section, and if the order or decision of the Board varies an order of the Rent Review Officer that has previously been filed under subsection 4 of section 7, the Application of s. 7 (4)

order previously filed as so varied may be enforced in the same manner as the original order.

Exclusions
from Act

14.—(1) This Act does not apply to residential premises,

R.S.C. 1970,
c. N-10

(a) situate in a non-profit housing project, rents for which are subject to the approval of the Government of Ontario or of Canada, or situate in a non-profit co-operative housing project as defined in the *National Housing Act* (Canada);

(b) situate in a hotel, motel or vacation home and rented for a seasonal or temporary period not exceeding four months;

(c) situate in a building, no part of which was occupied as residential premises before the 1st day of January, 1976.

Application
of Act

(2) This Act does not apply to tenancy agreements for residential premises in respect of which the Government of Ontario or an agency thereof is providing financial assistance for the benefit of the tenant occupying the premises by way of assistance in the payment of rent to the landlord under clause *f* of subsection 1 of section 2 of *The Housing Development Act*, but this Act does apply to the amount of rent which may be charged by the landlord for such residential premises.

R.S.O. 1970,
c. 213

Regulations

15.—(1) The Lieutenant Governor in Council may make regulations,

(a) prescribing the percentage amount in respect of rent increases for the purposes of subsection 2 of section 5;

(b) prescribing forms and providing for their use;

(c) prescribing matters in addition to those mentioned in subsection 2 of section 7 that shall be considered by the Rent Review Officer;

(d) prescribing the manner of making application to a Rent Review Officer or of appealing to the Board;

(e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Agreement
to be in
prescribed
form

(2) No agreement between a landlord and a tenant under subsection 5 of section 4 shall have any effect unless the agreement is in the form prescribed in the regulations.

16.—(1) Any notice or application required or permitted to be given under this Act, Services of notices, etc.

(a) by a tenant to a landlord, is sufficiently given if delivered personally to the landlord or his agent or sent by ordinary mail addressed to the landlord at the address posted under section 104 of *The Landlord and Tenant Act*; or R.S.O. 1970, c. 236

(b) by a landlord to a tenant, is sufficiently given if delivered personally to the tenant, but, where the notice or application cannot be given by reason of the tenant's absence from his premises or by reason of his evading service, the notice or application may be given,

(i) by handing it to an apparently adult person on the tenant's premises,

(ii) by posting it up in a conspicuous place upon some part of the premises, or

(iii) by sending it by registered mail to the tenant at the address where he resides.

(2) Where an application is sent by mail, it shall be deemed to have been received on the fifth day after the date of mailing. Idem

17. Any person who knowingly contravenes section 4, subsection 1 or 2 of section 5, or section 10, is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000. Penalties

18. The moneys required for the administration of this Act shall, until the 31st day of March, 1976, be paid out of the Consolidated Revenue Fund and thereafter out of the moneys appropriated therefor by the Legislature. Moneys

19.—(1) The Minister is responsible for the administration of this Act. Administration of Act

(2) Such officers, clerks and servants as the Minister considers necessary from time to time for the purposes of this Act may be appointed under *The Public Service Act*. Staff

(3) The Minister may engage persons to provide professional, technical or other assistance to Rent Review Officers, the Board, or persons appearing before a Rent Review Officer or the Board. Professional assistance

Commence-
ment and
expiry

20. This Act, upon receiving Royal Assent, shall be deemed to have come into force on the 29th day of July, 1975, and is retroactive to the extent necessary to give full force and effect to its provisions on, from and after that date, and is repealed on the 1st day of August, 1977.

Short title

21. This Act may be cited as *The Residential Premises Rent Review Act, 1975 (2nd Session)*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec. 18 1975

ASSEMBLY PROROGUED December 18 1975


CLERK
LEGISLATIVE ASSEMBLY

An Act to provide for the
Review of Rents in respect of
Residential Premises

1st Reading

November 6th, 1975

2nd Reading

November 20th, 1975

3rd Reading

December 18th, 1975

THE HON. J. R. RHODES
Minister of Housing

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The Landlord and Tenant Act

THE HON. R. MCMURTRY
Attorney General

An Act to amend The Landlord and Tenant Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Landlord and Tenant Act*, being ^{s. 1 (c),} chapter 236 of the Revised Statutes of Ontario, 1970, is ^{re-enacted} repealed and the following substituted therefor:

(c) "residential premises" means,

- (i) any premises used or intended for use for residential purposes, and
- (ii) land intended and used as a site for a mobile home used for residential purposes, whether or not the landlord also supplies the mobile home,

but does not include,

- (iii) premises occupied for business purposes with living accommodation attached under a single lease unless the tenant occupying the living accommodation is a person other than the person occupying the premises for business purposes, in which case the living accommodation shall be deemed residential premises, or
- (iv) such other class or classes of accommodation as may be designated by the regulations.

2. Section 81 of the said Act is repealed and the following ^{s. 81,} substituted therefor: ^{re-enacted}

81. In this Part,

Interpreta-
tion

- (a) "caretaker's premises" means residential premises used for residential purposes by a person employed

as a caretaker, janitor, manager, watchman, security guard, or superintendent in respect of the building in which the residential premises are situated;

- (b) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (c) "mobile home park" means the residential premises and the land, structures and facilities of which the landlord retains possession and that are intended for the common use and enjoyment of the tenants of the landlord where two or more occupied mobile homes are located for a period of sixty days or more;
- (d) "security deposit" means money or any property or right paid or given by a tenant of residential premises to a landlord or his agent or to anyone on his behalf to be held by or for the account of the landlord as security for the performance of an obligation or the payment of a liability of the tenant or to be returned to the tenant upon the happening of a condition;
- (e) "tenancy agreement" means an agreement between a tenant and a landlord for possession of residential premises, whether written, oral or implied.

ss. 98-103,
re-enacted

- 3.** Sections 98 and 99, section 100 as amended by the Statutes of Ontario, 1972, chapter 123, section 2, and sections 101, 102 and 103 of the said Act are repealed and the following substituted therefor:

Notice of
termination
of tenancy

98.—(1) Except as expressly otherwise provided in this Act, no tenancy of residential premises whether weekly, monthly, year to year or for any term certain, shall be terminated except upon notice by the landlord or the tenant given to the other in accordance with the provisions of this Part.

Exception

(2) Nothing in subsection 1 prevents a tenant at any time prior to the end of,

- (a) the period of the tenancy; or
- (b) the term of a tenancy for a fixed term,

from making application under section 96, 106 or 114 for an order declaring the tenancy terminated where the tenant alleges an act or omission on the part of the landlord that constitutes grounds for such termination.

(3) Subsection 1 does not apply so as to require a landlord to give notice of termination where a tenant abandons residential premises or so as to require notice of termination by either party where there is a surrender of the tenancy agreement.

99.—(1) A notice of termination of a tenancy shall be in writing and shall, Content
of
notice

- (a) be signed by the person giving the notice, or his agent;
- (b) identify the premises in respect of which the notice is given;
- (c) state the date on which the tenancy is to terminate; and
- (d) where a notice of termination is given by a landlord,
 - (i) specify the reasons and particulars respecting the termination, and
 - (ii) inform the tenant that he need not vacate the premises pursuant to the notice, but that the landlord may regain possession by application for a writ of possession to be obtained from the clerk or judge of the county court, which application the tenant is entitled to dispute.

(2) A notice of termination need not be in any particular form but notice may be given in the form prescribed by the regulations made under this Act. Form
of
notice

100.—(1) A notice to terminate a weekly tenancy shall be given not less than twenty-eight days before the date the termination is specified to be effective and shall be specified to be effective on the last day of a week of the tenancy. Notice
to
terminate
weekly
tenancy

(2) For the purposes of this section, "week of the tenancy" Idem means the weekly period on which the tenancy is based and not necessarily a calendar week and, unless otherwise specifically agreed upon, the week shall be deemed to begin on the day upon which rent is payable.

Notice to
terminate
monthly
tenancy

101.—(1) A notice to terminate a monthly tenancy shall be given not less than sixty days before the date the termination is specified to be effective and shall be specified to be effective on the last day of a month of the tenancy.

Idem

(2) For the purpose of this section, “month of the tenancy” means the monthly period on which the tenancy is based and not necessarily a calendar month and, unless otherwise specifically agreed upon, the month shall be deemed to begin on the day upon which rent is payable.

Notice to
terminate
yearly
tenancy

102.—(1) A notice to terminate a year to year tenancy shall be given not less than sixty days before the last day of any year of the tenancy to be effective on the last day of that year of the tenancy.

Idem

(2) For the purposes of this section, “year of the tenancy” means the yearly period on which the tenancy is based and not necessarily a calendar year, and unless otherwise agreed upon, the year shall be deemed to begin on the day, or the anniversary of the day, on which the tenant first became entitled to possession.

Notice to
terminate
tenancy
for fixed
term of
less than
one year

103. A notice to terminate a tenancy for a fixed term of less than one year shall be given not less than sixty days before the expiration date specified in the tenancy agreement, to be effective on such expiration date specified in the tenancy agreement.

Notice to
terminate
tenancy
for fixed
term of
one year
or more

103a. A notice to terminate a tenancy for a fixed term of one year or any longer period shall be given not less than sixty days before the expiration date specified in the tenancy agreement, to be effective on such expiration date specified in the tenancy agreement.

Notice where
landlord
personally,
etc.,
requires
premises

103b. Notwithstanding section 100, 101, 102, 103 or 103a, where a landlord *bona fide* requires possession of residential premises at the end of,

(a) the period of the tenancy; or

(b) the term of a tenancy for a fixed term,

for the purpose of occupation by himself, his spouse or a child or parent of his or his spouse, the period of the notice of termination required to be given is not less than sixty days.

Renewal
of tenancy
agreement
for fixed
term

103c.—(1) Subject to subsection 2, upon the expiration of a tenancy agreement for a fixed term, the landlord and

the tenant shall be deemed to have renewed the tenancy agreement as a monthly tenancy agreement upon the same terms and conditions as are provided for in the expired tenancy agreement.

(2) Subsection 1 does not apply where the landlord and the tenant enter into a new tenancy agreement before the expiration of the term specified in the old tenancy agreement. ^{Exception}

103d.—(1) Notwithstanding section 100, 101, 102, 103, 103a or 103b, where a landlord requires possession of residential premises for the purposes of, ^{Termination for demolition, etc.}

- (a) demolition;
- (b) conversion to use for a purpose other than rental residential premises; or
- (c) repairs or renovations so extensive as to require a building permit and vacant possession of the premises,

the landlord may, at any time during the currency of the tenancy agreement, give notice of termination of the tenancy agreement, provided that the date of termination specified shall not be sooner than,

- (d) 120 days after the date the notice is given; and
- (e) the end of the tenancy agreement.

(2) Where a tenant receives notice of termination under subsection 1, he may at any time prior to the date specified in the notice terminate the tenancy agreement by, ^{Earlier termination by tenant}

- (a) giving the landlord not less than ten days notice of termination specifying an earlier date of termination of the tenancy; and
- (b) paying to the landlord on the date he gives notice of termination under clause a the proportionate amount of rent due up to the date the earlier termination is specified to be effective, and in determining the proportionate amount of rent due,

the tenant is entitled to take into account the amount of any security deposit he has paid for rent.

Tenant
has right
of first
refusal

(3) Where a tenant has received notice of termination under clause *c* of subsection 1 and has indicated in writing to the landlord, before vacating the premises, that he wishes to have a first refusal to occupy the premises as a tenant when the repairs or renovations are completed, the tenant shall have such right of first refusal to occupy the premises, at the lowest rent that would be charged to any other tenant for the same premises, provided that the tenant informs the landlord by registered mail of any change of address.

Application
by landlord
under
section 106

(4) A landlord who has given a notice of termination under subsection 1, may, not later than thirty days after the termination date specified in the notice of termination, make an application under section 106 for an order directing the issue of a writ of possession to be effective on a day not earlier than the termination date specified in the notice of termination.

Where
notice of
termination
void

(5) A notice of termination given by a landlord under subsection 1 is void and of no effect unless,

(a) the tenant delivers up possession of the premises;
or

(b) the landlord brings an application under section 106, not later than thirty days after the termination date specified in the notice of termination.

When writ
of possession
may issue

(6) A judge hearing an application under section 106 brought by a landlord pursuant to subsection 4, shall not direct the issue of a writ of possession unless he is satisfied that the landlord *bona fide* intends to demolish the premises, convert them to another use or extensively repair or renovate the premises, as the case may be, and has obtained all necessary permits or other authority that may be required to do so.

Early
termination
for non-
payment of
rent

103e.—(1) Notwithstanding section 100, 101, 102, 103, 103a or 103b, where a tenant fails to pay rent in accordance with a tenancy agreement, the landlord may serve on the tenant notice of termination of the tenancy agreement to be effective not earlier than the twentieth day after the notice is given.

Notice to
specify
right of
tenant

(2) The notice of termination shall specify the right of the tenant to avoid the termination of the tenancy by payment of the rent demanded within fourteen days of his receiving the notice of termination.

(3) Where a tenant who receives notice of termination under subsection 1 pays to the landlord the rent that is due in accordance with the tenancy agreement and within fourteen days of the day he receives the notice, the notice of termination is void and of no effect. Notice void where rent paid

(4) Where a tenant fails to pay the rent demanded within the fourteen days mentioned in subsection 2, the landlord is entitled to make application forthwith under section 106. Application by landlord under s. 106

(5) Where application is brought by the landlord under section 106 and the tenant at any time before the judgment has become final, pays into court all the rent in arrears and the costs of the application, the proceedings in the application are forever stayed. When proceedings may be stayed

103f.—(1) Notwithstanding section 100, 101, 102, 103, 103a or 103b, where, Early termination by landlord for cause

- (a) a tenant causes or permits undue damage to the rented premises or its environs and whether by his own wilful or negligent acts or by those of any person whom the tenant permits on the residential premises;
- (b) a tenant at any time during the term of the tenancy exercises or carries on, or permits to be exercised or carried on, in or upon the residential premises or any part thereof, any illegal act, trade, business, occupation or calling;
- (c) the conduct of the tenant or a person permitted in the residential premises by him is such that it substantially interferes with the reasonable enjoyment of the premises for all usual purposes by the landlord or the other tenants;
- (d) the safety or other *bona fide* and lawful right, privilege or interest of any other tenant in the residential premises is or has been seriously impaired by an act or omission of the tenant or a person permitted in the residential premises by him where such act or omission occurs in the residential premises or its environs; or
- (e) the number of persons occupying the residential premises on a continuing basis results in the contravention of health or safety standards including any housing standards required by law;

R.S.C. 1970,
c. N-10

- (f) a tenant of residential premises administered for or on behalf of the Government of Canada or Ontario or a municipality or any agency thereof or forming part of a non-profit, limited dividend housing project financed under the *National Housing Act* (Canada) has knowingly and materially misrepresented his income or that of other members of his family occupying the residential premises,

the landlord may serve on the tenant a notice of termination of the tenancy agreement to be effective not earlier than the twentieth day after the notice is given, specifying the act or acts complained of, and requiring the tenant, within seven days, to pay to the landlord the reasonable costs of repairing the premises or to make the repairs to the reasonable satisfaction of the landlord in the case mentioned in clause *a* or to cease and desist from the activities in the cases mentioned in clause *c* or *d* or to reduce the number of persons occupying the premises in the case mentioned in clause *e*.

Notice void
where
tenant
complies

(2) Where a tenant who receives a notice from a landlord under clause *a*, *c*, *d* or *e* of subsection 1 within seven days of his receiving the notice pays the reasonable costs of repairs or makes arrangements satisfactory to the landlord to pay such costs or to make such repairs to the reasonable satisfaction of the landlord, or ceases and desists from the activities or reduces the number of persons occupying the premises, as the case may require, the notice of termination is null and void.

Application
by landlord
under
s. 106,
etc.

(3) Where a tenant fails to comply with the terms of a notice served under subsection 1 within the seven day period specified in subsection 2 or where the notice is served pursuant to clause *b* or *f* of subsection 1, the landlord is entitled to make application forthwith under section 106.

Further
contra-
vention
by tenant

(4) Where a notice of termination has become null and void under subsection 2 by reason of the tenant complying with the terms of the notice within the seven days and the tenant within six months thereafter again contravenes any of the clauses of subsection 1, the landlord may serve on the tenant notice of termination of the tenancy agreement to be effective not earlier than the fourteenth day after the notice is given, and the landlord is entitled to make application forthwith under section 106.

When writ of
possession
may issue

(5) A judge hearing an application under section 106 brought by a landlord pursuant to subsection 3 or 4 shall not direct the issue of a writ of possession unless

the judge is satisfied that one or more of the causes of termination set out in subsection 1 exist.

(6) A notice of termination given by a landlord to a tenant is void and of no effect unless, Where notice of termination void

(a) the tenant delivers up possession of the premises; or

(b) the landlord brings an application under section 106,

not later than thirty days after the termination date specified in the notice.

103g.—(1) Where a landlord gives notice of termination to a tenant under section 100, 101, 102, 103, 103a or 103b, the landlord may, not later than thirty days after the termination date specified in the notice of termination, make application under section 106 for an order directing the issue of a writ of possession and may join with the application a claim for any other order or judgment that the judge or clerk may make or give under that section. Termination by landlord at end of term for cause

(2) A notice of termination given by a landlord to a tenant is void and of no effect unless, Where notice of termination void

(a) the tenant delivers up possession of the premises; or

(b) the landlord brings an application under section 106,

not later than thirty days after the termination date specified in the notice.

(3) A judge hearing an application under section 106 brought by a landlord pursuant to subsection 1 shall not direct the issue of a writ of possession unless the judge is satisfied that one or more of the causes for termination of a tenancy agreement specified in section 103e or 103f exists or that, When writ of possession may issue

(a) the landlord *bona fide* requires possession of the residential premises for the purpose of occupation by himself, his spouse or a child or parent of his or his spouse, and the landlord has complied with section 103b;

(b) the tenant has persistently failed to pay rent on the date it becomes due and payable;

(c) the residential premises in respect of which the notice of termination was given are administered

R.S.C. 1970,
c. N-10

for or on behalf of the Government of Canada or Ontario or a municipality or any agency thereof or form part of a non-profit, limited dividend housing project financed under the *National Housing Act* (Canada) and the tenant has ceased to meet the qualifications required for occupancy of such premises;

(d) the tenant was an employee of an employer who provided the tenant with residential premises during his employment and his employment has terminated; or

R.S.O. 1970,
c. 77

(e) the tenancy arose by virtue of or collateral to a *bona fide* agreement of purchase and sale of a proposed unit within the meaning of *The Condominium Act* and the agreement of purchase and sale has been terminated,

and the judge shall not consider any cause for termination not specifically mentioned in this Part.

s. 104,
re-enacted

4. Section 104 of the said Act is repealed and the following substituted therefor:

Posting up
notice
provisions

104.—(1) A landlord,

(a) of a mobile home park; or

(b) renting more than one rented premises in the same building and retaining possession of part of the building for use of all tenants in common,

shall,

(c) post up conspicuously and maintain posted the legal name of the landlord and his address for service; and

(d) not later than the 1st day of February, 1976, post up conspicuously and maintain posted a copy of Part IV of this Act or a summary thereof as prescribed by the regulations.

Proceedings

(2) Any proceeding taken by or on behalf of a tenant may be commenced against the landlord in the name posted under clause c of subsection 1.

s. 106,
re-enacted

5.—(1) Section 106 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 123, section 3, is repealed and the following substituted therefor:

106.—(1) A landlord or a tenant may apply by summary application to a judge of the county or district court of the county or district in which the premises are situate for an order, Application for possession, arrears of rent, etc.

- (a) declaring the tenancy agreement terminated;
- (b) for a writ of possession;
- (c) for the payment of arrears of rent;
- (d) for the payment of compensation under section 105;
- (e) for return of a security deposit and interest thereon;
- (f) for an abatement of rent;
- (g) granting relief against forfeiture on such terms and conditions as the judge may decide,

or any of them.

(2) Application for an order under clause *c, d, f* or *g* of subsection 1 may be made only where the tenant is in possession, whether in accordance with the tenancy agreement or as an overholding tenant. Application

(3) Application may be made for an order under clause *c, d, e, f* or *g* of subsection 1 whether or not application is also made for an order under clause *a* or *b* of subsection 1. Idem

(4) The summary application shall be served on the respondent at least four clear days before the day for the return of the motion and it shall contain the following warning: Service of application and contents of notice

If you intend to dispute the applicant's claim, you must attend before the County Court Clerk at the hour of

..... o'clock in the noon on the day of

..... at his office in the Court House

at or file with him before the

day of a notice of dispute in writing, setting out briefly the grounds upon which you dispute the applicant's claim. If you do not attend or do not file a notice of dispute, the clerk of the court may sign an order directing,

- (a) that the tenancy agreement is terminated;
- (b) that a writ of possession issue;
- (c) judgment for the amount claimed for arrears of rent;
- (d) judgment for the payment of compensation under section 105;
- (e) judgment for the return of the security deposit and interest thereon;
- (f) that there be an abatement of rent in the amount claimed,

or any of them.

Dispute

(5) The respondent may dispute the applicant's claim by attending on the return of the motion or by filing with the clerk of the court before the day for the return of the motion a statement in writing setting out briefly the grounds upon which he disputes the applicant's claim.

Payment to clerk of amounts in dispute

(6) No dispute to a claim for arrears of rent or compensation under section 105 may be made by the tenant under subsection 5 on the grounds that the landlord is in breach of an express or implied covenant unless the tenant has first paid to the clerk of the court the amount of the rent and compensation claimed to be in arrears less,

- (a) amounts paid by the tenant for which he alleges he is entitled to set-off under clause *b* of subsection 3 of section 96, as substantiated by receipts filed; and
- (b) amounts of rent and compensation alleged by the tenant by his dispute to have been paid as substantiated by receipts filed or verified by affidavit.

Default judgment

(7) Where the claim of the applicant is not disputed, the clerk of the court may sign an order declaring the tenancy agreement terminated, or directing that a writ of possession issue or may give judgment for the amount of arrears of rent, or for the amount of compensation under section 105 or for the return of the security deposit and interest thereon or for an abatement of rent or any of them, in accordance with the claim.

(8) Where the clerk of the court signs an order or judgment under subsection 7, the respondent may, within seven days after the service thereof, by motion, *ex parte*, apply to the judge to have the order or judgment set aside and the judge may so order upon being satisfied that reasonable grounds for dispute exist.

Setting
aside
default
judgment

(9) The judge may extend the time for bringing a motion under subsection 8 upon being satisfied that a proper case has been made for so doing.

Extension
of time
for motion
to set
aside

(10) Where the claim of the applicant is disputed, the case may be set down for a hearing forthwith or at such time and place as the judge may appoint.

Hearing

(11) After a hearing, the judge shall determine the applicant's claim and may make an order declaring the tenancy agreement terminated, or directing that a writ of possession issue or give judgment for the arrears of rent, or for compensation under section 105 found due, or for the return of the security deposit and interest thereon or for an abatement of rent, or any of them and, subject to clause *b* of subsection 2 of section 107, in any such order may impose such terms and conditions as the judge considers appropriate.

Order
and
judgment

(12) Where an application is brought under this section and application has also been brought under section 96 or 114, the judge may, in his discretion, fix a common date for the hearing and hear and determine all the matters at issue between the parties.

Judge may
fix common
hearing
date

(2) This Act does not apply in respect of applications made under section 106 of *The Landlord and Tenant Act* before this section comes into force.

Application
R.S.O. 1970,
c. 236

6. Sections 106*a* and 106*b* of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 123, section 3, are repealed and the following substituted therefor:

ss. 106*a*, 106*b*,
re-enacted

106*a*.—(1) Where a tenant has given a landlord notice of termination of a tenancy agreement or where there is an agreement to terminate in writing the landlord may, not later than thirty days after the termination date specified, file with the clerk of the county or district court of the county or district in which the premises are situated a copy of the notice of termination or agreement in writing verified by affidavit, and the clerk of the court shall sign an order directing that a writ of possession issue, effective not earlier than the date specified in the notice of termination or the agreement to terminate.

Application
by landlord
for writ of
possession
where tenant
has given
notice of
termination
or has agreed
to
termination

Setting
aside
order

(2) Where the clerk of the court signs an order under subsection 1, the tenant may, within four days after service thereof, apply to the judge *ex parte* to have the order set aside and the judge may so order upon being satisfied that reasonable grounds for dispute exist.

Hearing

(3) Where the judge sets aside an order under subsection 2, the judge shall in writing appoint a time and place for a hearing to determine the landlord's claim and the provisions of section 106 apply *mutatis mutandis*.

Where
notice of
termination
void

(4) A notice of termination given by a tenant to a landlord is void and of no effect unless,

(a) the tenant delivers up possession of the premises;
or

(b) the landlord brings an application under this section,

not later than thirty days after the termination date specified in the notice.

Termination
in respect
of
caretaker's
premises

106b.—(1) Notwithstanding anything in this Part, where a landlord has entered into a tenancy agreement in respect of caretaker's premises, unless otherwise agreed, the tenancy of the tenant is terminated on the day on which the employment of the tenant is terminated and the tenant shall within one week thereafter vacate the caretaker's premises.

Application
by landlord
under
s. 106

(2) If the tenant fails to vacate the premises as set out in subsection 1, the landlord may forthwith make application under section 106.

No rent
or
compen-
sation
to be
charged

(3) A landlord shall not charge or receive any rent or compensation from the tenant in respect of the period of one week mentioned in subsection 1.

Appeal

106c.—(1) An appeal lies to the Divisional Court from a final order or judgment of a judge under this Part.

Payment
of
rent

(2) Where a payment of arrears of rent or compensation under section 105 has been made under subsection 6 of section 106 in respect of a ground of dispute that is a subject of appeal, no notice of appeal may be filed by the tenant until any additional rent or compensation accruing to the date of the filing of the notice has been paid to the clerk of the county or district court and evidence of payments made under this subsection and subsection 6 of section 106 shall accompany the notice.

106d. The judge of the county or district court may, where the judgment or order has become final, on the application of the landlord or tenant, direct the clerk to pay moneys held by him under subsection 6 of section 106 and subsection 2 of section 106c to the person entitled thereto.

Payment
of rent
out of
court

106e.—(1) A party to an application under this Part may be represented by counsel or an agent.

Party
may be
represented
by agent

(2) A judge of a county or district court may exclude from a hearing anyone, other than a barrister and solicitor qualified to practise in Ontario, appearing as an agent on behalf of a party if he finds that such person is not competent properly to represent or to advise the party or does not understand and comply at the hearing with the duties and responsibilities of an advocate or adviser.

Exclusion
of agents

106f. Where more than one person has a common interest in respect of an application under this Part, one or more of those persons may be authorized by a judge of the county or district court in which the premises are located to make or defend an application on behalf of, or for the benefit of all.

Repre-
sentative
actions

106g.—(1) Subject to subsections 2 and 3, a judge of the county or district court may admit as evidence at a hearing under this Part, whether or not given or proven under oath or affirmation or admissible as evidence in a court,

What
evidence
is
admissible

(a) any oral testimony; and

(b) any document or other thing,

relevant to the subject-matter of the proceedings and may act on such evidence, but the judge may exclude anything unduly repetitious.

(2) Nothing is admissible in evidence at a hearing,

What
evidence
is
inadmissible

(a) that would be inadmissible in a court by reason of any privilege under the law of evidence; or

(b) that is inadmissible by any statute.

(3) Nothing in subsection 1 overrides the provisions of any Act expressly limiting the extent to or purposes for which any oral testimony, documents or things may be admitted or used in evidence in any proceedings.

Conflicts

Copies

(4) Where a judge is satisfied as to their authenticity, a copy of a document or other thing may be admitted as evidence at a hearing.

Photocopies

(5) Where a document has been filed in evidence at a hearing, the judge may, or the person producing it or entitled to it may with the leave of the judge cause the document to be photocopied and the judge may authorize the photocopy to be filed in evidence in the place of the document filed and release the document filed, or may furnish to the person producing it or the person entitled to it a photocopy of the document filed certified by the judge.

Certified
copy
admissible
in
evidence

(6) A document purporting to be a copy of a document filed in evidence at a hearing, certified to be a true copy thereof by the judge, is admissible in evidence in proceedings in which the document is admissible as evidence of the document.

s. 107 (1),
amended

7.—(1) Subsection 1 of section 107 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 123, section 4, is further amended by adding at the end thereof "or 106a".

s. 107 (2, 3),
re-enacted

(2) Subsection 2, and subsection 3 as enacted by the Statutes of Ontario, 1972, chapter 123, section 4, of the said section 107 are repealed and the following substituted therefor:

Power of
judge

(2) Upon any application of a landlord for a writ of possession a judge may, notwithstanding any other provision of this Act or the tenancy agreement,

(a) refuse to grant the application unless he is satisfied, having regard to all the circumstances, that it would be unfair to do so; or

(b) order that the enforcement of the writ of possession be postponed for a period not exceeding one week.

Idem

(3) Without restricting the generality of subsection 2, the judge shall refuse to grant the application where he is satisfied that,

(a) the landlord is in breach of his responsibilities under this Act or of any material covenant in the tenancy agreement;

(b) a reason for the application being brought is that the tenant has complained to any govern-

mental authority of the landlord's violation of any statute or municipal by-law dealing with health or safety standards including any housing standard or by-law;

- (c) a reason for the application being brought is that the tenant has attempted to secure or enforce his legal rights; or
- (d) a reason for the application being brought is that the tenant is a member of an association, the primary purpose of which is to secure or enforce legal rights of tenants, or that the tenant is attempting to organize such an association.
- (e) a reason for the application being brought is that the premises are occupied by children, provided that the occupation by the children does not constitute overcrowding and the premises are suitable for children.

(4) A landlord shall not,

Withholding
services

- (a) withhold reasonable supply of any vital service, such as heat, fuel, electricity, gas, water or other vital service, that it is his obligation to supply under the tenancy agreement or deliberately interfere with the supply of any such vital service whether or not it is his obligation to supply such service during the tenant's occupation of the premises and until the date on which a writ of possession is executed; or
- (b) substantially interfere with the reasonable enjoyment of the premises for all usual purposes by a tenant or members of his household with intent to cause the tenant to give up possession of the premises or to refrain from asserting any of the rights provided by this Act or provided by the tenancy agreement.

8. Subsection 1 of section 108 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 123, section 5, is repealed and the following substituted therefor:

s. 108 (1),
re-enacted

(1) Any person who knowingly contravenes section 84, Penalties 85, 86, 93, 94, 95, 104, 107, 111, 112 or 113 is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000.

s. 109 (1) (a),
amended

9. Clause *a* of subsection 1 of section 109 of the said Act is amended by inserting after "be" in the second line and after "sufficiently" in the third line "served".

ss. 111-116,
enacted

10. The said Act is amended by adding thereto the following sections:

MOBILE HOME PARKS

Tenant's
right to
sell, etc.

111.—(1) Subject to subsections 2 and 3, a tenant has the right to sell, lease, or otherwise part with the possession of his mobile home while it is situated within a mobile home park.

Exception

(2) Subsection 1 does not apply to a tenant of premises administered by or for the Government of Canada or Ontario or a municipality, or any agency thereof.

Consent

(3) A tenancy agreement may provide that the right of a tenant to sell, lease, or otherwise part with possession of his mobile home while it is situated in a mobile home park is subject to the consent of the landlord, and, where it is so provided, such consent shall not be arbitrarily or unreasonably withheld.

Charges

(4) A landlord shall not make any charge for giving his consent referred to in section 3, except his reasonable expenses incurred thereby.

Determina-
tion of
disputes

(5) A landlord or a tenant may apply by summary application to a judge of the county or district court of the county or district in which the premises are situate, who may determine any question arising under subsections 3 and 4.

Landlord as
agent

(6) A landlord shall not act as the agent of the tenant in any negotiations to sell, lease, or otherwise part with the possession of a mobile home situated in a mobile home park, except pursuant to a written agency contract.

Entrance and
exit fees
prohibited

112. A landlord shall not make any charge whatsoever in respect of,

- (a) the entry of a mobile home into a mobile home park;
- (b) the exit of a mobile home from a mobile home park;

- (c) the installation of a mobile home in a mobile home park;
- (d) the removal of a mobile home from a mobile home park; or
- (e) the granting of a tenancy in a mobile home park,

except to the extent of his reasonable expenses incurred thereby.

113.—(1) Subject to subsections 2 and 3, a landlord shall not restrict in any way the right of a tenant to purchase goods or services from the person of his choice. Restraint
of trade
prohibited

(2) A landlord may set reasonable standards for mobile home equipment. Standards

(3) Where a tradesman has,

(a) unduly disturbed the peace and quiet of the mobile home park; When
tradesman
may be
prohibited
from entry

(b) failed to observe such reasonable rules of conduct as have been established by the landlord; or

(c) violated the traffic rules of the mobile home park,

despite a request by the landlord to discontinue such conduct, the landlord may after due notice restrict or prohibit the entry of such tradesman into the mobile home park.

114.—(1) A landlord is responsible for,

(a) providing or ensuring the availability of a means for the removal or disposal of garbage in the mobile home park at reasonable intervals; Responsi-
bility
of landlord

(b) maintaining mobile home park roads in a good state of repair;

(c) removing excess snow from mobile home park roads;

(d) maintaining the plumbing, sewage, fuel and electrical systems in the mobile home park in a good state of repair;

(e) maintaining the mobile home park grounds and all buildings, structures, enclosures and equipment in-

tended for the common use of the tenants in a good state of repair; and

- (f) the repair of damage to the tenant's property caused by the wilful or negligent conduct of the landlord.

Responsi-
bility
of tenant

(2) The tenant is responsible for ordinary cleanliness of the rented premises and for repair of damage to the landlord's property caused by his wilful or negligent conduct or that of persons who are permitted on the premises by him.

Enforcement

(3) The obligations imposed under this section may be enforced by summary application to a judge of the county or district court of the county or district in which the mobile home park is situate and the judge may,

- (a) terminate the tenancy subject to such relief against forfeiture as the judge sees fit;
- (b) authorize any repair that has been or is to be made and order the cost thereof to be paid by the person responsible to make the repair, such cost to be recovered by due process or by set-off;
- (c) make such further or other order as the judge considers appropriate.

NOTICE OF RENT INCREASE

Notice of
rent
increase

115.—(1) A landlord shall not increase the rent for residential premises unless he serves on the tenant a notice in writing setting out his intention to increase the rent and the amount of the increase intended to be made not less than ninety days prior to the end of,

- (a) the period of the tenancy; or
- (b) the term of a tenancy for a fixed period.

Where tenant
fails to
give notice
of
termination

(2) Where a tenant who receives a notice under subsection 1 fails to give to the landlord notice of termination in accordance with section 99 within the time required under section 100, 101, 102, 103 or 103a, as the case requires, he shall be deemed to have accepted,

- (a) where the amount of the rent increase is not subject to review by law,

(i) the amount of the rent increase specified in the notice of the landlord, or

(ii) such other rent increase as may be agreed upon in writing between the landlord and the tenant; or

(b) where the amount of the rent increase is subject to review by law, such amount of rent increase as does not exceed the amount allowed under the law.

(3) The deemed acceptance by a tenant of an increase in rent in the case mentioned in clause b of subsection 2, does not constitute a waiver of the tenant's right to take whatever proceedings are available to him under any law in force that provides for the review of rent increases. Deemed acceptance does not constitute waiver of tenant's rights

(4) Subject to the provisions of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, an increase in rent by the landlord where the landlord has not served a notice according to the provisions of subsection 1 is void. Where increase void 1975 (2nd Sess.), c. 12

116. The Lieutenant Governor in Council may make regulations, Regulations

(a) designating classes of accommodation that are deemed not to be residential premises for the purposes of this Act;

(b) prescribing forms and providing for their use;

(c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

11. Forms 4 and 5 of the said Act are repealed.

Forms 4, 5. repealed

12. Notwithstanding any reference to the 1st day of January, 1970, in Part IV of *The Landlord and Tenant Act*, the provisions of *The Landlord and Tenant Act*, in so far as they relate to residential premises as defined in subclause ii of clause c of section 1 of *The Landlord and Tenant Act*, as enacted by section 1 of this Act, apply only on and after the day this Act comes into force. Application to mobile home sites R.S.O. 1970. c. 236

13. This Act comes into force on the day it receives Royal Assent. Commencement

14. This Act may be cited as *The Landlord and Tenant Amendment Act, 1975 (2nd Session)*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec. 18 1975

ASSEMBLY PROROGUED December 18 1975

An Act to amend
The Landlord and Tenant Act

1st Reading

November 14th, 1975

2nd Reading

November 25th, 1975

3rd Reading

December 18th, 1975

THE HON. R. McMURTRY
Attorney General

BILL 27

1 amend. in Rep. by S. Brown

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to amend
The Highway Traffic Act**

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: s. 63a,
enacted

63a.—(1) In this section, "seat belt assembly" means a Definition
device or assembly composed of straps, webbing or similar material that restrains the movement of a person in order to prevent or mitigate injury to the person and includes a pelvic restraint or an upper torso restraint or both of them.

(2) No person shall drive on a highway a motor vehicle in which a seat belt assembly required under the provisions of the *Motor Vehicle Safety Act* (Canada) at the time that the vehicle was manufactured or imported into Canada has been removed, rendered partly or wholly inoperative or modified so as to reduce its effectiveness. Seat belt
assembly
R.S.C. 1970,
c. 26,
(1st Supp.)

(3) Subject to subsection 5, every person who drives on a highway a motor vehicle in which a seat belt assembly is provided for the driver shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner. Use of
seat belt
assembly
by driver

(4) Subject to subsection 5, every person who is a passenger on a highway in a motor vehicle in which a seat belt assembly is provided for the seating position occupied by the passenger shall wear the complete seat belt assembly in a properly adjusted and securely fastened manner. Use of seat
belt assembly
by
passenger

Exemption

(5) Subsections 3 and 4 do not apply to a person,

- (a) driving a motor vehicle in reverse;
- (b) who holds a certificate signed by a legally qualified medical practitioner certifying that the person is,
 - (i) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or
 - (ii) because of the person's size, build or other physical characteristic, unable to wear a seat belt assembly;
- (c) who is actually engaged in work which requires him to alight from and re-enter a motor vehicle at frequent intervals and who, while engaged in such work, does not drive or travel in that vehicle at a speed exceeding 25 miles per hour; or
- (d) under the age of sixteen years.

Driver to
ensure
passenger
uses seat
belt assem-
bly

(6) No person shall drive on a highway a motor vehicle in which there is a passenger who has attained the age of two years and is under sixteen years of age and occupies a seating position for which a seat belt assembly has been provided unless that passenger is wearing the complete seat belt assembly and it is properly adjusted and securely fastened.

Exception

(7) Subsection 6 does not apply where the passenger,

- (a) is the holder of a certificate signed by a legally qualified medical practitioner certifying that the passenger is,
 - (i) for the period stated in the certificate, unable for medical reasons to wear a seat belt assembly, or
 - (ii) because of the passenger's size, build or other physical characteristic, unable to wear a seat belt assembly;
- (b) is actually engaged in work which requires him to alight from and re-enter the motor vehicle at frequent intervals and the motor vehicle does not travel at a speed exceeding 25 miles per hour; or

- (c) is occupying and properly secured in child seating and restraint systems prescribed under the regulations.

(8) The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) requiring the use of child seating and restraint systems in motor vehicles on highways and prescribing the specifications thereof;
- (b) providing for the exemption from any of the provisions of this section of,
- (i) any type or class of motor vehicles,
- (ii) any class of drivers or passengers in motor vehicles.

2. Subsection 2 of section 147 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 123, section 34 and 1975, chapter 78, section 11, is repealed and the following substituted therefor: ^{s. 147 (2), re-enacted}


(2) The owner of a motor vehicle except when he is also the driver shall not incur the penalties provided for any contravention of any of the provisions of subsection 3 or 6 of section 63a or of sections 82 to 114, 117, 120, 125 and 139 or any regulation or by-law made or passed thereunder or under subsection 8 of section 63a or of any of the provisions of any by-law passed under any Act regulating or prohibiting turns on a highway. ^{Owner when not driver not liable for penalties}

3. This Act comes into force on the 1st day of January, 1976. ^{Commencement}

4. This Act may be cited as *The Highway Traffic Amendment Act, 1975 (2nd Session)*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec. 18 1975

ASSEMBLY PROROGUED December 18 1975


CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Highway Traffic Act

1st Reading

November 18th, 1975

2nd Reading

December 2nd, 1975

3rd Reading

December 2nd, 1975

THE HON. J. W. SNOW
Minister of Transportation
and Communications

BILL 34

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The Motorized Snow Vehicles Act, 1974

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO

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BILL 34

1975

**An Act to amend
The Motorized Snow Vehicles Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Motorized Snow Vehicles Act, 1974*, being chapter 113, is amended by inserting after "includes" in the third line "the ploughed portion of". s. 1 (k),
amended

2. The said Act is amended by adding thereto the following s. 13a,
enacted section:

13a. Every person is guilty of the offence of driving Careless
driving carelessly who drives a motorized snow vehicle without due care and attention or without reasonable consideration for other persons.

3. This Act comes into force on the day it receives Royal Commence-
ment Assent.

4. This Act may be cited as *The Motorized Snow Vehicles Amendment Act, 1975 (2nd Session)*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec. 18 1975

ASSEMBLY PROROGUED December 18 1975

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Motorized Snow Vehicles Act, 1974

1st Reading

November 27th, 1975

2nd Reading

December 2nd, 1975

3rd Reading

December 2nd, 1975

THE HON. J. W. SNOW
Minister of Transportation
and Communications

BILL 37

Pauline H. H. S. H. H.

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The Income Tax Act

THE HON. A. K. MEEN
Minister of Revenue

TORONTO

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BILL 37

1975

An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 3 of section 3 of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 91, section 1, is repealed and the following substituted therefor:

s. 3 (3) (h),
re-enacted

(h) 30.5 per cent in respect of the 1972, 1973, 1974, 1975 and 1976 taxation years.
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Income Tax Amendment Act, 1975 (2nd Session)*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 18 1975

ASSEMBLY PROROGUED December 18 1975

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Income Tax Act

1st Reading

November 28th, 1975

2nd Reading

December 9th, 1975

3rd Reading

December 9th, 1975

THE HON. A. K. MEEN
Minister of Revenue

S. B. Handleman
BILL 39

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The Liquor Licence Act, 1975

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

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BILL 39

1975

**An Act to amend
The Liquor Licence Act, 1975**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

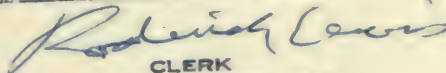
1. Subclause i of clause j of section 1 of *The Liquor Licence Act*, s. 1 (j) (i), 1975, being chapter 40, is repealed and the following substituted therefor:
 - (i) wine produced from grapes, cherries, apples or other fruits grown in Ontario or the concentrated juice thereof, and includes Ontario wine to which has been added herbs, water, honey, sugar or the distillate of Ontario wine or of cereal grains grown in Ontario, or
2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
3. This Act may be cited as *The Liquor Licence Amendment Act*, 1975 (2nd Session). Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec. 19 1975

ASSEMBLY PROROGUED

December 18 1975


CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Liquor Licence Act, 1975

1st Reading

December 2nd, 1975

2nd Reading

December 9th, 1975

3rd Reading

December 9th, 1975

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

BILL 41

Caroline G. G. S. H.

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The Planning Act

THE HON. J. R. RHODES
Minister of Housing

TORONTO

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BILL 41

1975

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3, 1973, chapter 168, section 6 and 1974, chapter 53, section 4, is further amended by adding thereto the following subsection:

(5e) No foreclosure of or exercise of a power of sale in a mortgage or charge shall have any effect in law without the approval of the Minister unless all of the land subject to such mortgage or charge is included in the foreclosure or exercise of the power of sale, as the case may be.

s. 29,
amended

Foreclosure
or
exercise
of power
of sale,
when
approval
of
Minister
required

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Planning Amendment Act, 1975 (2nd Session)*.

Commence-
ment

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec. 18 1975

ASSEMBLY PROROGUED December 18 1975

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Planning Act

1st Reading

December 9th, 1975

2nd Reading

December 16th, 1975

3rd Reading

December 18th, 1975

THE HON. J. R. RHODES
Minister of Housing

BILL 42

Pauline Lp. Lp. S. Lp.

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act to amend
The Conveyancing and Law of Property Act**

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

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BILL 42

1975

**An Act to amend
The Conveyancing and Law of Property Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 37 of *The Conveyancing and Law of Property Act*, ^{s. 37,} amended being chapter 85 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(2) Where a person who has a leasehold estate in land under a lease with Ontario Housing Corporation acquires ^{Merger of O.H.C. leasehold in freehold} the freehold estate in the land, the leasehold estate merges in the freehold estate and upon the merging the freehold estate becomes subject to any interest to which the leasehold estate was subject immediately before the merging in the same ranking as to priorities as were then held.

2. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>
3. This Act may be cited as *The Conveyancing and Law of Property Amendment Act, 1975 (2nd Session)*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 18 1975

ASSEMBLY PROROGUED December 18 1975

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Conveyancing and Law of
Property Act

1st Reading

December 9th, 1975

2nd Reading

December 16th, 1975

3rd Reading

December 18th, 1975

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

**An Act for granting to Her Majesty certain
sums of money for the Public Service for the
fiscal year ending the 31st day of March, 1976**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

BILL 45

1975

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1976

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble
 Pauline M. McGibbon, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1976; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue \$9,946,051,000
granted for
fiscal year
1975-76
 Fund a sum not exceeding in the whole \$9,946,051,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1975, to the 31st day of March, 1976, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which the Schedule is based.

(2) Where, in the fiscal year ending the 31st day of Exception
 March, 1976, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting
for
expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Supply Act, 1975* (2nd Session).

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec. 18 1975

ASSEMBLY PROROGUED

December 18

1975

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE

Office of the Lieutenant Governor.....	\$ 69,000
Office of the Assembly.....	8,609,500
Office of the Premier.....	1,451,000
Cabinet Office.....	1,591,000
Management Board.....	8,709,000
Office of the Provincial Auditor.....	1,589,000
Government Services.....	294,527,000
Housing.....	482,913,000
Revenue.....	165,182,000
Treasury, Economics and Intergovernmental Affairs.....	459,271,000
Justice Policy.....	469,000
Attorney General.....	95,131,500
Consumer and Commercial Relations.....	41,116,000
Correctional Services.....	116,985,000
Solicitor General.....	116,447,000
Resources Development Policy.....	899,000
Agriculture and Food.....	136,890,000
Energy.....	3,380,000
Environment.....	231,158,000
Industry and Tourism.....	45,950,000
Labour.....	18,742,000
Natural Resources.....	211,270,000
Transportation and Communications.....	953,533,000
Social Development Policy.....	1,295,000
Colleges and Universities.....	1,018,376,000
Community and Social Services.....	855,046,000
Culture and Recreation.....	122,149,000
Education.....	1,639,430,000
Health.....	2,913,873,000
TOTAL.....	\$9,946,051,000

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1875

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An Act for granting to Her Majesty
certain sums of money for the
Public Service for the fiscal year
ending the 31st day of March, 1976

1st Reading

December 9th, 1975

2nd Reading

December 9th, 1975

3rd Reading

December 9th, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

S. C. P. S. H. H.
BILL 48

1ST SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1975

An Act to amend The Municipal Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

مجلس شورای ملی - تهران - ۱۳۰۴

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۲۱	۲۲	۲۳	۲۴	۲۵	۲۶	۲۷	۲۸	۲۹	۳۰
۳۱	۳۲	۳۳	۳۴	۳۵	۳۶	۳۷	۳۸	۳۹	۴۰
۴۱	۴۲	۴۳	۴۴	۴۵	۴۶	۴۷	۴۸	۴۹	۵۰
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۶۱	۶۲	۶۳	۶۴	۶۵	۶۶	۶۷	۶۸	۶۹	۷۰
۷۱	۷۲	۷۳	۷۴	۷۵	۷۶	۷۷	۷۸	۷۹	۸۰
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۹۱	۹۲	۹۳	۹۴	۹۵	۹۶	۹۷	۹۸	۹۹	۱۰۰

مجلس شورای ملی - تهران - ۱۳۰۴

BILL 48

1975

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 246 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

(2a) Subject to sections 357 and 358 and clause *a* of this subsection, the power to regulate a trade, calling, business or occupation or a person carrying on or engaged in a trade, calling, business or occupation and the power to regulate places or things includes the power to regulate the hours of operation of such trade, calling, business, occupation, places or things.

Power to
regulate
trades, etc.,
includes
power to
regulate
hours of
operation

- (a) Nothing in this subsection confers the power to regulate the hours of operation of a shop as defined in subsection 1 of section 355.
- Exception

2. This Act comes into force on the day it receives Royal Assent.
 3. This Act may be cited as *The Municipal Amendment Act, 1975* (2nd Session).
- Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec. 18 1975

ASSEMBLY PROROGUED December 18 1975

Rodney Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Municipal Act

1st Reading

December 15th, 1975

2nd Reading

December 17th, 1975

3rd Reading

December 18th, 1975

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 1

1. am. in G. 4. 8. 11

2ND SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1976

**An Act respecting the Metropolitan
Toronto Boards of Education and Teachers Disputes**

THE HON. T. L. WELLS
Minister of Education

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

1975

1975

1975

BILL 1

1976

An Act respecting the Metropolitan Toronto Boards of Education and Teachers Disputes

WHEREAS the boards of education in The Municipality of Metropolitan Toronto and their secondary school teachers have been negotiating terms and conditions of employment; and whereas strikes by the teachers against the boards of education have continued since the 12th day of November, 1975; and whereas some of the boards of education have locked out the teachers employed by them; and whereas the boards of education and their secondary school teachers have been unable to make an agreement as to terms and conditions of employment; and whereas the Commission has advised the Lieutenant Governor in Council that, in the opinion of the Commission, the continuance of the strikes and lock-outs will place in jeopardy the successful completion of courses of study by the students affected; and whereas the public interest, and in particular the interests of students, requires that the secondary school teachers return to and resume their duties, that the boards of education terminate the lock-outs and that means be found for the settlement of the matters in dispute between the boards of education and their secondary school teachers;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Inter-
pre-
ta-
tion

- (a) "arbitrator" means the arbitrator appointed under this Act;
- (b) "boards of education" means,
 - (i) The Board of Education for the Borough of East York,
 - (ii) The Board of Education for the Borough of Etobicoke,

- (iii) The Board of Education for the Borough of North York,
- (iv) The Board of Education for the Borough of Scarborough,
- (v) The Board of Education for the City of Toronto,
- (vi) The Board of Education for the Borough of York, and
- (vii) The Metropolitan Toronto School Board,

or any of them;

(c) "branch affiliates" means,

- (i) the organization composed of all the teachers employed by The Board of Education for the Borough of East York who are members of The Ontario Secondary School Teachers' Federation,
- (ii) the organization composed of all the teachers employed by The Board of Education for the Borough of Etobicoke who are members of The Ontario Secondary School Teachers' Federation,
- (iii) the organization composed of all the teachers employed by The Board of Education for the Borough of North York who are members of L'Association des Enseignants Franco-Ontariens;
- (iv) the organization composed of all the teachers employed by The Board of Education for the Borough of North York who are members of The Ontario Secondary School Teachers' Federation,
- (v) the organization composed of all the teachers employed by The Board of Education for the Borough of Scarborough who are members of The Ontario Secondary School Teachers' Federation,
- (vi) the organization composed of all the teachers employed by The Board of Education for the City of Toronto who are members of The Ontario Secondary School Teachers' Federation, and

- (vii) the organization composed of all the teachers employed by the Board of Education for the Borough of York who are members of The Ontario Secondary School Teachers' Federation,

or any of them;

- (d) "Commission" means the Education Relations Commission established under *The School Boards and Teachers Collective Negotiations Act, 1975*; 1975, c. 72
- (e) "lock-out" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;
- (f) "parties" means the boards of education and the branch affiliates;
- (g) "strike" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;
- (h) "teachers" means the secondary school teachers employed on permanent or probationary contracts by the boards of education.

2.—(1) The teachers who are on strike against the boards of education shall, on the first Monday following the day this Act comes into force, return to and resume their duties in accordance with their contracts of employment and written collective understandings in effect on the 31st day of August, 1975 with the boards of education, and the boards of education shall, on the first Monday following the day this Act comes into force, resume the employment of such teachers in accordance with such contracts and written collective understandings and open and resume the normal operation of the schools in which the teachers are employed. Resumption of employment and operation of schools

(2) During the period from and including the first Monday after the day this Act comes into force until the day an agreement that includes the decision of the arbitrator comes into effect, no teacher shall take part in a strike against a board of education and no board of education shall lock out a teacher. Strike or lock-out

(3) During the period from and including the first Monday after the day this Act comes into force to and including the 30th day of June, 1976 and notwithstanding Ontario Instructional days

Regulation 546/73 but only in relation to the teachers to whom this Act applies, the days designated by the boards of education as professional activity days pursuant to Ontario Regulation 546/73 shall not be professional activity days but shall be instructional days within the meaning of that regulation.

Exception (4) Nothing in this Act precludes a teacher from not returning to and resuming his duties with a board of education for reasons of health or by mutual consent in writing of the teacher and the board of education.

Arbitration **3.—**(1) The parties shall be deemed to have agreed to refer all matters remaining in dispute between them that may be provided for in an agreement under *The School Boards and Teachers Collective Negotiations Act, 1975* to an arbitrator for determination under and in accordance with Part IV of that Act.

1975, c. 72

Appointment of arbitrator (2) The Lieutenant Governor in Council shall forthwith after this Act comes into force appoint the arbitrator referred to in subsection 1.

Costs of arbitration (3) The arbitrator shall be paid by the Province of Ontario such remuneration and expenses as the Lieutenant Governor in Council determines.

Notices of matters remaining in dispute (4) The parties shall each give written notice to the arbitrator within seven days after the day this Act comes into force setting out all the matters the parties have agreed upon for inclusion in an agreement and all the matters remaining in dispute between the parties, and the notice shall be deemed to be notice to the Commission in accordance with subsection 1 of section 29 of *The School Boards and Teachers Collective Negotiations Act, 1975*.

Procedure (5) The arbitrator upon receipt of a notice shall examine into and decide all matters that are in dispute between the parties as evidenced by the notices referred to in subsection 4 and any other matters that appear to him to be necessary to be decided in order to make a decision.

Application of 1975, c. 72 (6) Except as otherwise provided in this Act, *The School Boards and Teachers Collective Negotiations Act, 1975* applies to the arbitrator, to the proceedings conducted before him, to the parties and to the teachers.

Term of agreement **4.—**(1) Notwithstanding subsection 1 of section 51 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the agreement giving effect to all matters

agreed upon by the parties and the decision of the arbitrator shall be for the period commencing on the 1st day of September, 1975 and expiring on a date not later than the 31st day of August, 1977.

(2) Notwithstanding subsection 1 of section 36 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the arbitrator shall complete the consideration of all matters in dispute between the parties and shall report in writing his decision on the matters to the parties and to the Commission within thirty days after his appointment as arbitrator or within such longer period of time as may be provided in writing by the arbitrator and consented to by the Commission.

Time for
report of
arbitrator
1975, c. 72

5.—(1) Every teacher, party or board of education that contravenes any provision of this Act is guilty of an offence.

Offences

(2) The provisions of *The School Boards and Teachers Collective Negotiations Act, 1975*, respecting offences and penalties and the procedures relating thereto apply in respect of a contravention of any provision of this Act.

Idem

6. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

7. This Act may be cited as *The Metropolitan Toronto Boards of Education and Teachers Disputes Act, 1976*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR. Jan. 16, 1976

ASSEMBLY PROROGUED January 16, 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the Metropolitan
Toronto Boards of Education
and Teachers Disputes

1st Reading

January 15th, 1976

2nd Reading

January 16th, 1976

3rd Reading

January 16th, 1976

THE HON. T. L. WELLS
Minister of Education

BILL 2

Pauline E. E. S. H.

2ND SESSION, 30TH LEGISLATURE, ONTARIO
24 ELIZABETH II, 1976

**An Act to amend
The Residential Premises Rent Review Act,
1975 (2nd Session)**

THE HON. J. R. RHODES
Minister of Housing

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL 2

1976

**An Act to amend
The Residential Premises Rent Review Act,
1975 (2nd Session)**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 2 of section 4 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, is amended by striking out “within sixty days of the day this Act receives Royal Assent” in the sixth and seventh lines and inserting in lieu thereof “on or before the 29th day of February, 1976”. s. 4 (2),
amended
- (2) Subsection 7 of the said section 4 is amended by striking out “31st day of January” in the ninth line and inserting in lieu thereof “29th day of February”. s. 4 (7),
amended
- (3) Subsection 8 of the said section 4 is amended by striking out “31st day of January” in the ninth and tenth lines and inserting in lieu thereof “29th day of February”. s. 4 (8),
amended
- 2.—(1) Subsection 3 of section 5 of the said Act is amended by striking out “29th day of February” in the fourteenth line and inserting in lieu thereof “30th day of April” and by striking out “31st day of January” in the fifteenth line and inserting in lieu thereof “29th day of February”, and by adding at the end thereof “provided that where rent has been determined pursuant to an application made under this subsection or under clause b of subsection 5, or on an appeal therefrom, the rent so determined shall remain in force for a period of not less than twelve months”. s. 5 (3),
amended
- (2) Subsection 4 of the said section 5 is amended by striking out “31st day of January” in the twelfth line and inserting in lieu thereof “29th day of February”. s. 5 (4),
amended
- (3) Subsection 8 of the said section 5 is repealed and the following substituted therefor: s. 5 (8),
re-enacted

Notice
of
hearing

(8) The Rent Review Officer shall, within thirty clear days of the filing of the landlord's or the tenant's application, as the case may be, give written notice to the landlord and to the tenant of the date, time and place which he has fixed for a hearing of the application.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

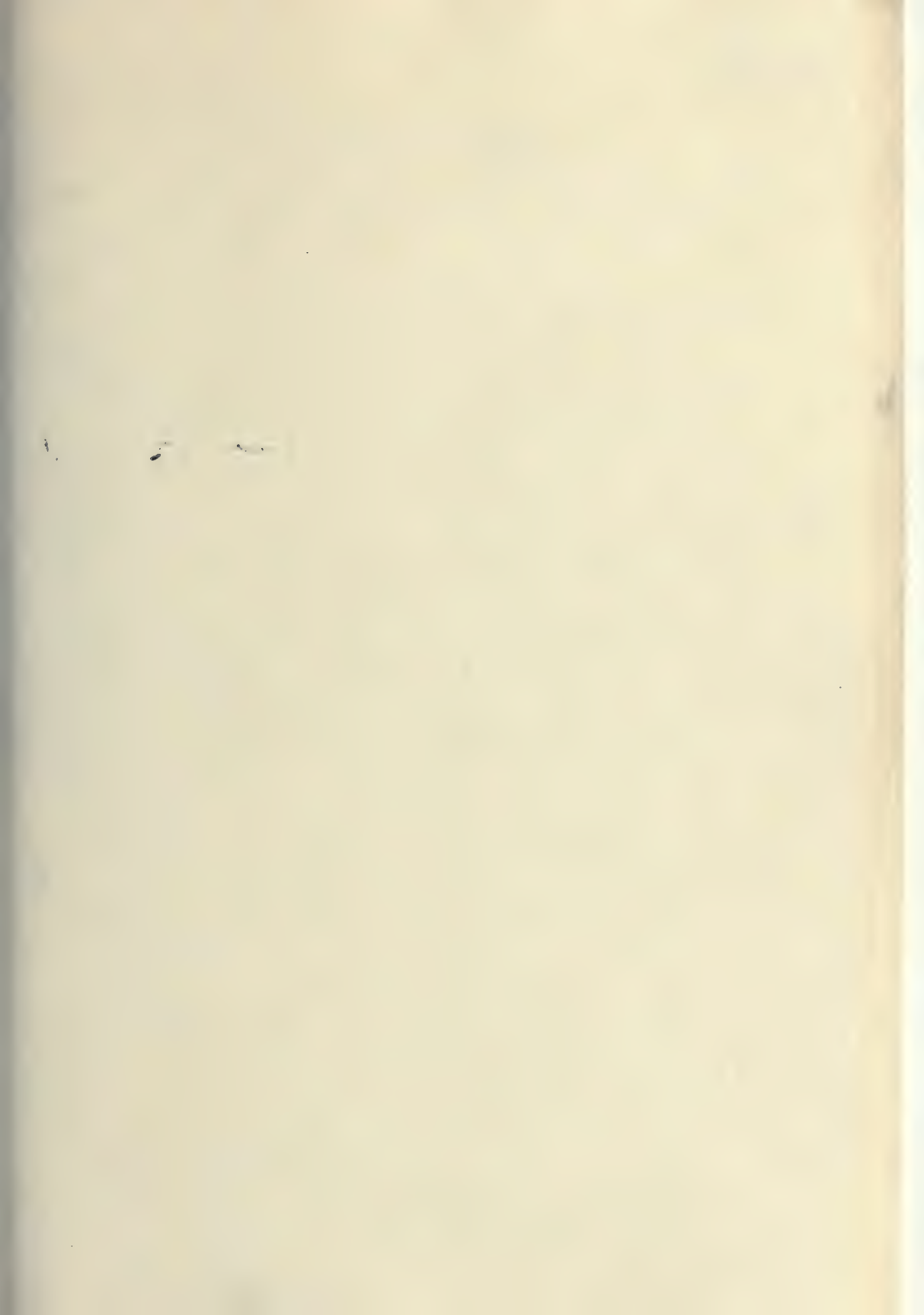
4. This Act may be cited as *The Residential Premises Rent Review Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Jan. 16 1976

ASSEMBLY PROROGUED January 16 1976

Robina Court

CLERK
LEGISLATIVE ASSEMBLY



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An Act to amend
The Residential Premises Rent Review
Act, 1975 (2nd Session)

1st Reading

January 16th, 1976

2nd Reading

January 16th, 1976

3rd Reading

January 16th, 1976

THE HON. J. R. RHODES
Minister of Housing

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the Township of Wicksteed

MR. WILDMAN

BILL Pr2

1976

An Act respecting the Township of Wicksteed

WHEREAS The Corporation of the Township of Wicksteed hereby represents that Canadian National Railways is the employer of four of the five members of the council of the township; that Canadian National Railways proposes certain land developments in the township, the implementation of which will require consideration, discussion and voting on matters relating thereto by the council of the township; that *The Municipal Conflict of Interest Act, 1972*, deems a member of council who is an employee of a body that has an interest in a matter with which the council is concerned to have an indirect pecuniary interest in the matter and requires such member to disclose his interest and to not take part in the consideration or discussion of or to vote on any question with respect to the matter; that such disclosure and abstention from considering, discussing and voting on the matter would result in a failure to obtain a quorum; that it is desirable and in the best interests of the township that the council be enabled to consider, discuss and vote on any matter relating to the proposed land development in the township by Canadian National Railways, notwithstanding *The Municipal Conflict of Interest Act, 1972*; and whereas The Corporation of the Township of Wicksteed hereby applies for special legislation in respect of the foregoing; and whereas it is expedient to grant the application;

Preamble

1972, c. 142

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpreta-
tion

- (a) "Corporation" means The Corporation of the Township of Wicksteed;
- (b) "council" means the council of the Corporation;

- (c) "development and proposed development" means development of a residential subdivision, development of a commercial area and expansion of the railway's main line;
- (d) "indirect pecuniary interest" means indirect pecuniary interest as defined in *The Municipal Conflict of Interest Act, 1972*;
- (e) "municipality" means The Corporation of the Township of Wicksteed.

Non-application of
1972, c. 142

2. Notwithstanding *The Municipal Conflict of Interest Act, 1972*, where a member of council is an employee of Canadian National Railways and has disclosed this indirect pecuniary interest in a contract or proposed contract with the municipality or in any contract or proposed contract that is reasonably likely to be affected by a decision of the council or in any other matter in which the council is concerned, as the case may be, he shall be permitted to take part in the consideration or discussion of, or vote on any question with respect to any contract, proposed contract, or any other matter concerning the development and proposed development of land within the municipality by Canadian National Railways.

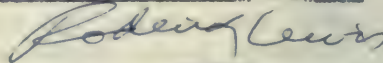
Commencement

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Township of Wicksteed Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 23 1976
ASSEMBLY PROROGUED December 16 1976


CLERK
LEGISLATIVE ASSEMBLY



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An Act respecting the
Township of Wicksteed

1st Reading

March 18th, 1976

2nd Reading

April 14th, 1976

3rd Reading

April 14th, 1976

MR. WILDMAN

BILL Pr3

Pauline G. G. G. G.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the Borough of Scarborough

MR. DREA

TORONTO

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BILL Pr3

1976

An Act respecting the Borough of Scarborough

WHEREAS The Corporation of the Borough of Scar-^{Preamble}
borough hereby applies for special legislation in respect
of the matter hereinafter set forth; and whereas it is expedient
to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The council of The Corporation of the Borough of ^{Retirement}
Scarborough may, by by-law, provide for the granting of an ^{allowance}
annual retirement allowance to Frederick Charles Cook.
2. Section 239 of *The Municipal Act*, except subsection 5 ^{Application}
thereof, applies *mutatis mutandis* to the granting of an annual ^{of R.S.O. 1970,}
retirement allowance to Frederick Charles Cook. ^{c. 284, s. 239}
3. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}
4. This Act may be cited as *The Borough of Scarborough* ^{Short title}
Act, 1976.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 23 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
Borough of Scarborough

1st Reading

March 18th, 1976

2nd Reading

April 14th, 1976

3rd Reading

April 14th, 1976

MR. DREA

BILL Pr4

Pauline G. G. S. L.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the Township of Nepean

MR. MORROW

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr4

1976

An Act respecting the Township of Nepean

WHEREAS The Corporation of the Township of Nepean Preamble
hereby applies for special legislation in respect of the
matter hereinafter set forth; and whereas it is expedient to
grant the application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. In this Act, "tenant" means a tenant within the Interpre-
tation
R.S.O. 1970,
c. 236
meaning of *The Landlord and Tenant Act*.

2. Notwithstanding any general or special Act, the council By-laws
authorizing
payments
to tenants
R.S.O. 1970,
c. 32
of The Corporation of the Township of Nepean may pass
by-laws authorizing and directing the treasurer of the
municipality to make payments to tenants of residential
real property that is separately assessed under *The Assess-
ment Act* in the municipality of a uniform amount to be
determined by the council of the municipality in like manner
and upon the same terms and conditions as if such tenant
were an owner of real property entitled to a uniform credit
against real property taxes under *The Municipal Elderly* 1973, c. 154
Resident's Assistance Act, 1973.

3. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

4. This Act may be cited as *The Township of Nepean Act*, Short title
1976.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 23 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
Township of Nepean

1st Reading

March 18th, 1976

2nd Reading

April 14th, 1976

3rd Reading

April 14th, 1976

MR. MORROW

BILL Pr5

Pauline G. G. G. G.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the City of Cambridge

MR. DAVIDSON

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL Pr5

1976

An Act respecting the City of Cambridge

WHEREAS The Corporation of the City of Cambridge Preamble
 hereby represents that by trust deed, dated the 1st day of July, 1871, and registered in the Registry Office for the County of Waterloo on the 12th day of September, 1871 as Number 2175 for the Town of Galt, William Dickson granted and conveyed to The Corporation of the Town of Galt the lands and premises therein described in trust to be held, used and enjoyed forever as a public park and pleasure ground for the use of the inhabitants of the Town of Galt and Township of Dumfries and for agricultural shows and exhibitions for such inhabitants, subject only to the erection of such buildings thereon by the said Corporation as may be found requisite or useful in more fully carrying out the intention of the Grantor as expressed in the said deed; and whereas, with the exception of the lands described in the Schedule hereto the said lands have, since the time of the said conveyance, been used in accordance with the terms of the said trust; and whereas by a deed dated the 14th day of August, 1874, and registered in the Registry Office for the County of Waterloo, on the 13th day of January, 1875, as Number 2878, for the Town of Galt, with the approval of The Municipality of the Township of North Dumfries and the said William Dickson, both of whom joined in the said deed, the lands described in the Schedule hereto were conveyed by The Corporation of the Town of Galt to The Grand Trunk Railway Company of Canada; and whereas from the time of the said conveyance until the year 1961 (for a period of approximately 87 years) the said lands were used as a railway right-of-way; and whereas the rail line constructed on the said right-of-way was abandoned by the Railway, with the approval of The Board of Transport Commissioners for Canada as evidenced by an Order of the said Board dated the 21st day of July, 1961; and whereas the lands described in the Schedule hereto were quit claimed to The Corporation of the City of Galt by the Canadian National Railway Company, the

1972, c. 105

successor to The Grand Trunk Railway Company of Canada, by deed dated the 2nd day of October, 1964, and registered in the Registry Office for the Registry Division of the County of Waterloo on the 18th day of February, 1965, as Number 294084 for the City of Galt; and whereas the assets and liabilities of The Corporation of the City of Galt have become vested in The Corporation of the City of Cambridge pursuant to the provisions of *The Regional Municipality of Waterloo Act, 1972*; and whereas the expansion and development of the municipality urgently require the construction of a roadway in a northerly direction over the lands described in the Schedule hereto; and whereas the applicant hereby applies for special legislation to vest the said lands described in the Schedule in The Corporation of the City of Cambridge free from the trusts contained in the said trust deed; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Lands
vested in
City of
Cambridge

1. The lands and premises described in the Schedule hereto being part of the lands and premises described in the trust deed dated the 1st day of July, 1871, and registered in the Registry Office for the County of Waterloo, on the 12th day of September, 1871, as Number 2175 for the Town of Galt, are declared to be vested in The Corporation of the City of Cambridge in fee simple, free from any of the trusts set out in the said trust deed.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Cambridge Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 7 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE

All and singular that certain parcel or tract of land situate lying and being in the said Town of Galt containing by admeasurement one acre and fifty five hundredths of an acre more or less being composed of part of "the Dickson Park" known as part of subdivision Lots Two and Three in the Eleventh Concession of North Dumfries on the west side of the Grand River which is butted and bounded as follows: That is to say Commencing on the Easterly side of Dickson's Park at the distance of two hundred and fifty four feet from Queen Street in a course therefrom along the said easterly side of the Park of north twenty five minutes east Thence continuing same course Three Hundred and seventy eight feet more or less to an angle of the Park Thence north thirty four degrees forty minutes west Two hundred and thirty eight feet more or less to an angle of the same Thence north thirty three degrees west Five Hundred and two feet more or less to the north boundary of said Park Thence along said north boundary south forty eight degrees west fifty six feet more or less to the west fence of the Galt and Doon Railway. Thence along said fence parallel to and distant twenty five feet or thereabouts from the located centre line of said Railway Three hundred and fifty two feet, where the width is fifty one feet from the fence to the eastern boundary of the Park in a course of north forty eight degrees East. Thence Three Hundred and eighty two feet more or less to a point in said fence where the distance is one hundred and thirteen feet to an angle on the Eastern boundary of the Park on a course of north fifty five degrees twenty minutes East and thence along fence aforesaid Three Hundred and forty four feet more or less to the place of Beginning.

An Act respecting the City of Cambridge

1st Reading

March 18th, 1976

2nd Reading

April 27th, 1976

3rd Reading

April 27th, 1976

MR. DAVIDSON

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting the
Welland-Port Colborne Airport**

MR. SWART

100-1111
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BILL Pr6

1976

An Act respecting the Welland-Port Colborne Airport

WHEREAS the corporations of the City of Welland, Preamble
the City of Port Colborne, the Town of Pelham and
the Township of Wainfleet hereby apply for special legis-
lation in respect of the matters herein set forth; and whereas
it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Airport" means the Welland-Port Colborne Air-
port;
- (b) "Commission" means the Welland-Port Colborne
Airport Commission.

2.—(1) The Agreement dated the 1st day of January, Agreement
ratified
1974, between The Corporation of the City of Welland, The
Corporation of the City of Port Colborne, The Corporation
of the Town of Pelham and The Corporation of the Township
of Wainfleet set forth in Schedule A hereto is hereby
ratified and confirmed and declared to be valid and binding
upon the parties thereto and their successors.

(2) The Agreement dated the 26th day of May, 1970, Idem
between Her Majesty in right of Canada, represented by
the Minister of Transport, and the Commission set forth in
Schedule B hereto is hereby ratified and confirmed and
declared to be valid and binding upon the Commission and
its successors.

(3) The Commission referred to in the agreements set Commission
has power
to hold
land
forth in Schedule A and Schedule B hereto shall be deemed
to have been a corporation since its inception with power to

acquire and hold land in its own name for airport purposes since its inception.

Non-application
of
R.S.O. 1970,
cc. 89, 53

(4) *The Corporations Act* and *The Business Corporations Act* do not apply to the Commission.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Welland-Port Colborne Airport Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 7 1976

ASSEMBLY PROROGUED December 16 1976

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE A

Schedule "A" to By-law No. 496—Wainfleet

Schedule "A" to By-law No. 439/22/75—Port Colborne

Schedule "A" to By-law No. 6069—Welland

Schedule "A" to By-law No. 312/75—Pelham

AGREEMENT made this 1st day of January A.D. 1974.

BETWEEN:

THE CORPORATION OF THE CITY OF WELLAND
hereinafter called "Welland"

OF THE FIRST PART

—and—

THE CORPORATION OF THE CITY OF PORT COLBORNE
hereinafter called "Port Colborne"

OF THE SECOND PART

—and—

THE CORPORATION OF THE TOWN OF PELHAM
hereinafter called "Pelham"

OF THE THIRD PART

—and—

THE CORPORATION OF THE TOWNSHIP OF WAINFLEET
hereinafter called "Wainfleet"

OF THE FOURTH PART

WHEREAS pursuant to agreement dated the 1st day of January, 1969 the City of Welland, the City of Port Colborne, the Township of Crowland, the Township of Humberstone, the Village of Fonthill and the Township of Wainfleet established a Commission known as the Welland-Port Colborne Airport Commission for the purposes of establishing, operating and maintaining the premises known as "The Welland-Port Colborne Airport";

AND WHEREAS the said Commission entered into an agreement of purchase with Her Majesty the Queen in Right of Canada as represented by the Minister of Transport to purchase the said airport lands and premises;

AND WHEREAS the parties hereto are desirous of continuing the said Welland-Port Colborne Airport Commission for the purposes hereinafter mentioned;

AND WHEREAS pursuant to the provisions of *The Municipal Act*, R.S.O. 1970, chapter 284, section 352, paragraph 9, by-laws may be passed for the establishment, operation, maintenance and improvement of air harbours or landing grounds, together with such other rights and powers as are contained therein;

AND WHEREAS section 254 of *The Municipal Act*, R.S.O. 1970, chapter 284 provides for the passing of by-laws by a municipality for entering into and performing any agreement with any other council for fulfilling, executing or completing, at their joint expense and for their joint benefit, any undertaking, work or project within the jurisdiction of the council.

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto, in consideration of the provisos and the mutual covenants and agreements hereinafter contained and expressed, mutually covenant and agree as follows:—

1. The Welland-Port Colborne Airport Commission be and the same is hereby established and continued for the purpose of operating, maintaining, improving and acquiring by way of purchase, lease, sub-lease or otherwise, the air harbour situate in the Town of Pelham, in the Regional Municipality of Niagara and known as the Welland-Port Colborne Airport.

2. Subject to any lawful rules and regulations made by or by authority of any statute of Canada, the Welland-Port Colborne Airport Commission shall have the control and management of the Welland-Port Colborne Airport.

3. The Welland-Port Colborne Airport Commission shall consist of seven (7) members appointed as follows:—

- (a) Three (3) members appointed by the council and who are members of the council of the City of Welland.
- (b) Two (2) members appointed by the council and who are members of the council of the City of Port Colborne.
- (c) One (1) member appointed by the council and who is a member of the council of the Town of Pelham.
- (d) One (1) member appointed by the council and who is a member of the council of the Township of Wainfleet.

Each member of the Commission shall hold office for one (1) year or until his successor is appointed.

4. The Commission shall annually submit a budget to the councils of Welland, Port Colborne, Pelham and Wainfleet and shall not expend any monies not provided for in a budget approved by all four councils aforesaid provided that until approval of the budget in each year, operations may continue on the basis of the previous year's budget extended on a *pro rata* basis.

5. The net cost of operating the airport, after the deduction of any operational revenues and any grants received from Canada, any Province or any municipality other than a municipality who is a party to this agreement, shall be divided between Welland, Port Colborne, Pelham and Wainfleet on a *per capita* basis such basis to be ascertained from the last annual census taken pursuant to *The Assessment Act*.

6. The agreement of purchase and sale entered into between Her Majesty the Queen in Right of Canada as represented by the Minister of

Transport and the Welland-Port Colborne Airport Commission dated the 26th day of May, 1970 as amended by supplementary agreement dated the 1st day of October, 1970 be and the same is hereby expressly ratified and approved.

7. It is expressly understood and agreed that in the event any dispute shall arise as to the rights and liabilities of the parties to this agreement, including the right or liability to continue or withdraw from participation under this agreement, the Ontario Municipal Board shall be the sole arbitrator pursuant to the provisions of *The Ontario Municipal Board Act*.

IN WITNESS WHEREOF the parties hereto have hereunto caused to be affixed their respective corporate seals under the hands of their respective Mayors and Clerks.

THE CORPORATION OF THE CITY OF
WELLAND

Mayor

Clerk

THE CORPORATION OF THE CITY OF
PORT COLBORNE

Mayor

Clerk

THE CORPORATION OF THE TOWN OF
PELHAM

Mayor

Clerk

THE CORPORATION OF THE TOWNSHIP
OF WAINFLEET

Mayor

Clerk

SCHEDULE B

THIS AGREEMENT made this 26th day of May, One thousand nine hundred and seventy:

BETWEEN:

HER MAJESTY THE QUEEN in right of Canada (hereinafter called "Her Majesty"), represented herein by the Minister of Transport (hereinafter called "the Minister"),

OF THE FIRST PART,

—and—

WELLAND-PORT COLBORNE AIRPORT COMMISSION, of the City of Welland, in the Province of Ontario, (hereinafter called "the Commission"),

OF THE SECOND PART.

WITNESSETH that the parties hereto hereby covenant, promise and agree, each with the other, as follows:

1. That Her Majesty will grant and convey by Letters Patent to the Commission the Welland Airport (hereinafter referred to as "the said airport") of Her Majesty, together with the buildings and structures thereon of Her Majesty, situate and being in the Township of Pelham, in the County of Welland, in the Province of Ontario, and containing 379.06 acres, more or less, being more particularly described in the Schedule annexed hereto, for and in consideration of the price and sum of Thirty-eight thousand four hundred and one dollars (\$38,401.00) and subject to the observance and performance by the Commission of the covenants and agreements hereinafter set forth and contained, which the Commission hereby agrees to observe and perform.

2. That in consideration of the grant and conveyance by Her Majesty to the Commission of the said airport, the Commission for itself, its administrators and assigns hereby covenants and agrees with Her Majesty, as follows:

- (a) That the Commission shall not at any time undertake any airport development work not in accordance with plans and specifications or any revisions thereof approved by the Minister, and the Commission shall not make any alteration or change in the said plans and specifications and shall not consent to the erection of any buildings or the installation of any lights on the said airport, or make any improvements or changes whatsoever to the said airport without consent in writing of the Minister.
- (b) That the Commission shall not sell, or otherwise dispose of the said airport PROVIDED however, that the Commission may, in its sole discretion sell, lease or otherwise dispose of the buildings on the said airport as the Commission may consider advisable and for the sole benefit of the Commission.
- (c) That the Commission shall not use or permit to be used the said airport for purposes other than airport purposes and shall maintain and operate the said airport as a public airport.
- (d) That in the event the Commission uses or permits the use of the said airport for purposes other than airport purposes, the Com-

mission shall forthwith, upon request in writing from the Minister, reconvey the said airport to Her Majesty identical in all respects by good and valid title and free from all encumbrances, for the sum of One Dollar (\$1.00).

3. That Her Majesty will undertake the following work at the said airport:

- (a) Hard Surfacing of Runway 05 /23.
- (b) Hard Surfacing of Taxi-way "B".
- (c) Hard Surfacing of part of Apron 1.
- (d) Improving Surface drainage.
- (e) Installation of a medium intensity runway lighting.

4. That it is understood and agreed by and between the parties hereto that nothing herein contained shall obligate Her Majesty to undertake and complete any work of development on the said airport unless and until the necessary funds have been voted by Parliament in that behalf.

5. That the burden and benefit of this agreement shall run with the lands referred to in clause 1 hereof and shall extend to and be binding upon and enure to the benefit of the parties hereto, their successors, administrators and assigns.

6. That upon the transfer of the said airport by Her Majesty to the Commission pursuant to this agreement, the Commission shall forthwith register this agreement in the Registry Office for the County of Welland in the Province of Ontario.

SIGNED, SEALED AND DELIVERED
by Her Majesty in the presence of—

} for Minister of Transport

SIGNED, SEALED AND DELIVERED
by the Commission in the presence of—

} Chairman

} Secretary

Schedule

ALL AND SINGULAR those certain parcels of land (hereinafter referred to as "the said land") situate, lying and being in the Township of Pelham, County of Welland, Province of Ontario, consisting of part of Lots seven (7) eight (8) and nine (9), Concession fourteen (XIV), comprising all of Welland Airport and being more particularly described as follows:

PREMISING that the easterly limit of the Road Allowance between Lots nine (9) and ten (10), Concession fourteen (XIV) in common with the westerly boundary of the airport, has an ASTRONOMICAL BEARING of North

no degrees eighteen minutes West (N.0° 18'W.) and relating all bearings herein thereto.

PARCEL ONE (1)—BEGINNING at the intersection of the easterly limit of the Road Allowance between Lots nine (9) and ten (10) with the north-easterly limit of River Road, so-called, being an airport property boundary angle; thence from the Point of Beginning, so determined, North no degrees, eighteen minutes West (N.0° 18'W.) along the easterly limit of the said Road Allowance and airport property boundary in common therewith, a distance of two thousand four hundred and ninety (2,490) feet, more or less, to a standard iron bar planted thereon and designating a property boundary angle; thence North thirty-six degrees three minutes East (N.36° 03'E.) along the airport property boundary, a distance of two thousand two hundred (2,200) feet, more or less, to a standard iron bar planted thereon at the intersection with the lot line between Lots eight (8) and nine (9) and designating a property boundary angle; thence North eighty-eight degrees fifty-five minutes East (N.88° 55'E.) along the airport property boundary, a distance of one thousand (1,000) feet, more or less, to a standard iron bar planted thereon and designating a property boundary angle; thence South fifty-four degrees thirty-seven minutes East (S.54° 37'E.) along the airport property boundary, a distance of one thousand four hundred and thirty-nine and seven tenths (1,439.7) feet, more or less to a standard iron bar planted thereon and designating a property boundary angle; thence North eighty-nine degrees five minutes East (N.89° 05'E.) along the airport property boundary, a distance of five hundred and ninety-nine and five tenths (599.5) feet, more or less, to a standard iron bar planted on the lot line between Lots six (6) and seven (7); thence South no degrees two minutes West (S.0° 02'W.) along the said lot line and airport property boundary in common therewith, a distance of three thousand seven hundred and sixty-six and six tenths (3,766.6) feet, more or less, to a standard iron bar planted on the northerly limit of the aforesaid River Road, so-called and designating a property boundary angle; thence South eighty-five degrees thirty-five minutes West (S.85° 35'W.) along the said northerly limit and airport property boundary in common therewith, a distance of four hundred and forty-five (445) feet, more or less, to a standard iron bar planted thereon and designating a property boundary angle; thence South eighty-nine degrees fourteen minutes West (S.89° 14'W.) continuing along the said northerly limit and airport property boundary in common therewith, a distance of four hundred and eighty-three and six tenths (483.6) feet, more or less, to a standard iron bar planted thereon; thence South eighty-eight degrees no minutes West (S.88° 00'W.) continuing along the said northerly limit and airport property boundary in common therewith, a distance of three hundred and ten and six tenths (310.6) feet, more or less, to a standard iron bar planted thereon and designating a property boundary angle; thence North two degrees seven minutes West (N.2° 07'W.) along the airport property boundary, a distance of one hundred and seventy-five (175) feet, more or less, to a standard iron bar and designating a property boundary angle; thence South eighty-eight degrees no minutes West (S.88° 00'W.) along the airport property boundary, a distance of one hundred and fifty-two (152) feet, more or less, to a standard iron bar planted on the lot line between Lots seven (7) and eight (8) and designating a property boundary angle; thence South two degrees seven minutes East (S.2° 07'E.) along the said lot line and airport property boundary in common therewith, a distance of one hundred and seventy-five (175) feet, more or less, to a standard iron bar planted thereon at the intersection with the aforesaid northerly limit of River Road, so-called, and designating a property boundary angle; thence South eighty-eight degrees no minutes West (S.88° 00'W.) along the said northerly limit and airport property boundary in common therewith, a distance of one thousand three hundred and forty-two and two tenths (1,342.2) feet, more or less, to a standard iron bar planted thereon at the intersection with the lot line between Lots eight (8) and nine (9) and designating

a property boundary angle; thence North eighty-three degrees two minutes West (N.83° 02'W.) continuing along the said northerly limit and airport property boundary in common therewith, a distance of nine hundred and three tenths (900.3) feet, more or less, to a standard iron bar planted thereon, and designating a property boundary angle; thence North fifty-five degrees twenty-eight minutes West (N.55° 28'W.) along the northeasterly limit of the said River Road, so-called, a distance of five hundred and twenty-four and eight tenths (524.8) feet, more or less, to the aforesaid Point of Beginning.

THE SAID PARCEL OF LAND, as described, comprising an area of three hundred and seventy-five and sixty-five hundredths (375.65) acres, more or less.

PARCEL TWO (2)—COMMENCING at the intersection of the southerly prolongation of the easterly limit of the Road Allowance between Lots nine (9) and ten (10), Concession fourteen (XIV) with the south-westerly limit of River Road, so-called, thence South fifty-five degrees twenty-eight minutes East (S.55° 28'E.) along the southwesterly limit of the said River Road, so-called, a distance of five hundred and ten (510) feet to a point; thence South eighty-three degrees two minutes East (S.83° 02'E.) along the southerly limit of the said River Road, so-called, a distance of seven hundred and sixty-nine (769) feet, to a point thereon being henceforth designated as the POINT OF BEGINNING for the said parcel of land hereinafter described; thence continuing from the Point of Beginning, so determined, South eighty-three degrees two minutes East (S.83° 02'E.) along the said southerly limit and airport property boundary in common therewith, a distance of one hundred and forty-four and three tenths (144.3) feet, more or less, to the intersection with the lot line between Lots eight (8) and nine (9); thence North eighty-eight degrees no minutes East (N.88° 00'E.) continuing along the said southerly limit and airport property boundary in common therewith, a distance of one hundred and eighty-two and nine tenths (182.9) feet, to a point thereon; thence South one degree fifteen minutes East (S.1° 15'E.) along a line being the airport property boundary, a distance of seven hundred and ten (710) feet, more or less, to a point on the northerly shore of the Welland River, so-called; thence northwesterly following the sinuosities of the said shore and airport property boundary in common therewith, to a point thereon designating a property boundary angle; thence North one degree fifteen minutes East (N.1° 15'E.) along a line being the airport property boundary, a distance of three hundred and ten (310) feet to a point designating a property boundary angle; thence North twenty-three degrees two minutes West (N.23° 02'W.) along a line being the airport property boundary, a distance of four hundred and ten (410) feet, more or less, to the aforesaid Point of Beginning.

THE SAID PARCEL OF LAND as described, comprising an area of three and forty-one hundredths (3.41) acres, more or less.

An Act respecting the
Welland-Port Colborne Airport

1st Reading

April 12th, 1976

2nd Reading

May 4th, 1976

3rd Reading

May 4th, 1976

MR. SWART

Pauline G. G. S. H.
BILL Pr7

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting McMaster University

MR. NIXON

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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1976

An Act respecting McMaster University

WHEREAS McMaster University was incorporated by ^{Preamble} *An Act to unite Toronto Baptist College and Woodstock College under the name of McMaster University* by chapter 95 of the Statutes of Ontario, 1887; and whereas Hamilton College was incorporated in 1948 by letters patent under *The Companies Act* and was affiliated with McMaster University; and whereas McMaster University and Hamilton College were united and Hamilton College was dissolved and its property vested in McMaster University by *The McMaster University Act, 1957*; and whereas McMaster University hereby applies for special legislation varying the provisions of its Act of incorporation in relation to its organization, government and administration; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) "Board" means the Board of Governors of the University;
- (b) "Chancellor" means the Chancellor of the University;
- (c) "Divinity College" means McMaster Divinity College;
- (d) "graduate" means a person who has received a degree, diploma or certificate authorized by the Senate of the University or from a college affiliated with the University and is no longer registered as a student;
- (e) "non-teaching staff" means the employees of the University and of a college affiliated with the University who are not members of the teaching staff;

- (f) "President" means the President of the University;
- (g) "property" includes all property, both real and personal;
- (h) "Senate" means the Senate of the University;
- (i) "student" means a person who is registered in a course of study approved by the Senate;
- (j) "teaching staff" means the employees of the University or of a college affiliated with the University who hold the academic rank of professor, associate professor, assistant professor or lecturer;
- (k) "University" means McMaster University;
- (l) "year" means the membership year of the Board and of the Senate, and shall be any twelve-month period established from time to time by the Board or Senate respectively.

Conflict
R.S.O. 1970,
c. 89

(2) In the event of conflict between any provision of this Act and any provision of *The Corporations Act*, the provision of this Act prevails.

Corporation
continued

2. The corporation of McMaster University is hereby continued as a body corporate with perpetual succession and a common seal under the same name and, subject to the provisions of this Act, shall have, hold, possess and enjoy all the property, rights, powers and privileges which it now has, holds, possesses or enjoys.

University
non-denomi-
national

3. The University, while recognizing the Judeo-Christian tradition in which it was founded, shall be free in its management and discipline from the control of any religious body.

PROPERTY

Trust
property
vested in
University

4. All property heretofore or hereafter granted, conveyed, devised or bequeathed to or to any person in trust for or for the benefit of the University or any faculty, school, institute, or department thereof or otherwise in connection therewith, or to any person in trust for or for the benefit of Hamilton College, Moulton College or Woodstock College, subject to any trusts affecting the same, shall be vested in the University.

5. The University shall have, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by deed, gift, bequest or devise and to hold, possess and enjoy, without licence in mortmain and without limitation as to the period of holding, any estate or property whatsoever and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof or any interest therein from time to time as occasion may require, and to acquire other estate or property in addition to or in the place thereof without such licence and such limitation.

Property
R.S.O. 1970,
c. 225

6.—(1) Real property vested in the University and used by the University for and in connection with its purposes shall not be liable to be entered upon, used or taken by any corporation, except a municipal corporation, or by any person possessing the right of taking real property compulsorily for any purpose and no power to expropriate real property hereafter conferred shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto.

Land vested
in University
not liable to
expropri-
ation

(2) All real property vested in the University, as far as the application thereto of any statute of limitations is concerned, shall be deemed to have been and to be real property vested in the Crown for the public uses of Ontario.

Application
of statute of
limitations

7. Except as provided by section 18, the property of the University shall be applied solely for purposes of the University.

Property to
be applied for
purposes of
University

THE BOARD OF GOVERNORS

8.—(1) There shall be a Board of Governors of the University composed of,

Composition
of Board

- (a) the Chancellor, the President and the Chairman of the Board-Senate Committee on Long-Range Planning, who shall be *ex officio* members;
- (b) eleven members, none of whom shall be a full-time student or a member of the teaching or non-teaching staff, elected by the Board for a term of four years;
- (c) one member appointed by each of the Board of Trustees of the Divinity College and by the governing board of any other affiliated college for a term of four years;

- (d) five members appointed by the Alumni Association of the University from among the graduates for a term of four years;
- (e) three members appointed by the Senate from among the members thereof for a term of three years;
- (f) four members elected by the teaching staff of the University and affiliated colleges from among themselves for a term of three years;
- (g) one member elected by the undergraduate students from among themselves for a term of two years;
- (h) one member elected by the graduate students from among themselves for a term of two years;
- (i) two members elected by the members of the non-teaching staff from among themselves for a term of three years; and
- (j) six members, none of whom shall be a full-time student or a member of the teaching or non-teaching staff, appointed by the Lieutenant Governor in Council for a term of four years.

**Election
procedures**

(2) The Board shall by by-law determine the manner and procedure for the election of its members under clauses *b*, *f*, *g*, *h* and *i* of subsection 1 and for such elections may determine constituencies and assign persons or classes of persons to such constituencies, shall conduct such elections and determine any dispute as to eligibility to hold office or to vote, and the election of members under clauses *b*, *f*, *g*, *h* and *i* of that subsection shall be by secret ballot.

**Canadian
citizenship**

(3) Subject to subsection 4, no person shall be eligible to serve on the Board unless such person is a Canadian citizen.

Saving

(4) Subsection 3 does not apply to a person who was a member of the Board on the day before this Act comes into force.

Eligibility

(5) A member of the Board ceases to hold office if he ceases to be eligible under subsection 3 or the clause in subsection 1 under which he was appointed or elected.

**Term of
office**

(6) Subject to subsection 7, a member of the Board shall be eligible for reappointment or re-election, as the

case may be, except that no member shall serve for more than three consecutive terms, but on the expiration of one year after having served the third of three consecutive terms, such person may again be eligible for membership on the Board.

(7) The limit of three consecutive terms referred to in ^{Proviso} subsection 6 does not include,

- (a) service on the Board prior to the day this Act comes into force;
- (b) the balance of an unexpired term for a person who becomes a member of the Board under section 15;
- (c) a term reduced under subsection 2 of section 19.

(8) Notwithstanding the expiration of the term for which ^{Continuation in office} he was appointed or elected, a member of the Board who is otherwise eligible may, by resolution of the Board, continue to hold office until his successor is appointed or elected.

(9) Notwithstanding any vacancy on the Board, where ^{Exercise of powers by Board} there are at least twenty-five members, the Board may exercise its powers.

(10) The quorum of the Board shall consist of sixteen ^{Quorum} members or such greater number as the Board by by-law may determine, and at least one-half of the quorum shall consist of members of the Board appointed or elected under clauses *b*, *c*, *d* and *j* of subsection 1.

(11) After thirty days notice to an appointed or elected ^{Vacancies} member, the Board, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Board, may for just cause declare vacant the seat of such member.

(12) The Board shall elect a Chairman and a Vice-^{Chairman and Vice-Chairman} Chairman from among the members appointed or elected under clauses *b*, *c*, *d* and *j* of subsection 1 and in the case of the absence or illness of the Chairman or of there being a vacancy in that office, the Vice-Chairman shall act as and have all the powers of the Chairman.

(13) In the absence or illness of the Chairman and Vice-^{Absence or illness} Chairman, the Board may appoint one of its members appointed or elected under clauses *b*, *c*, *d* and *j* of subsection 1 to act as Chairman for the time being and the member so appointed shall act as and have all the powers of the Chairman.

**Term of
office**

(14) The term of office of the Chairman and of the Vice-Chairman shall be as determined by the Board.

**Records and
books of
account**

(15) The Board shall keep proper records and minutes of its proceedings and proper books of account of the financial affairs of the University.

**Conflict of
interest**

(16) A member of the Board or of a committee appointed by the Board who is in any way interested in a proposed contract with the University shall declare such interest at any meeting at which the proposed contract is considered, shall withdraw from the meeting during any discussion of such contract and shall not vote thereon.

**Powers of
Board**

9. Except in such matters as are assigned by this Act to the Senate, the government, conduct, management and control of the University and of its property, revenues, business and affairs shall be vested in the Board and the Board shall have all powers necessary or convenient to perform its duties and achieve the objects and purposes of the University including, without limiting the generality of the foregoing, power to,

(a) subject to subsection 3 of section 16, appoint, suspend or remove the President, and whenever there is a vacancy in that office appoint an acting President to hold office during the pleasure of the Board or until a President is appointed;

(b) appoint, promote, suspend or remove one or more Vice-Presidents, the Deans, the University Librarian, the University Registrar, and the members of the teaching staff of the University, provided that,

(i) all such appointments, excluding therefrom a person to be appointed for a stated period of time, shall be made upon nomination by the Senate and subsequent recommendation by the President,

(ii) all such promotions shall be made upon nomination by the Senate and subsequent recommendation by the President,

(iii) in the case of the suspension or removal of a member of the teaching staff, the Board shall prior thereto, but without limiting its power, consult the Senate,

and appoint, promote, suspend or remove all other officers, agents and employees of the University;

- (c) fix the number, duties, salaries and other emoluments of the officers, agents and employees of the University;
- (d) delegate from time to time such of its powers under clauses *b* and *c* as it considers proper to the President or such other officer or employee of the University as may be designated by the President and approved by the Board;
- (e) appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;
- (f) borrow money for the purposes of the University and give security therefor on such terms and in such amounts as it may deem advisable;
- (g) invest all money that comes into its hands and is not required to be expended for any purpose to which it may lawfully be applied, subject always to any express limitations or restrictions on investment powers imposed by the terms of the instrument creating any trust as to the same, in such manner as it considers proper and, except where a trust instrument otherwise directs, combine trust moneys belonging to various trusts in its care into a common trust fund;
- (h) make by-laws and regulations for the conduct of its affairs;
- (i) establish and collect fees and charges for tuition and for services of any kind offered by the University and collect fees and charges on behalf of any entity or organization of the University;
- (j) on the recommendation of the Senate,
 - (i) establish or terminate any faculty, school, institute or department, and
 - (ii) make agreements with any institution of higher learning to become part of or be affiliated with the University and to provide for the alteration or termination of such agreements; and
- (k) make recommendations to the Senate as to educational policy.

Audit
R.S.O. 1970,
c. 373

10. The Board shall appoint one or more public accountants licensed under *The Public Accountancy Act* to audit the accounts and transactions of the Board at least once a year.

Annual
report

11.—(1) The Board shall make a financial report annually to the Minister of Colleges and Universities in such form and containing such information as the Minister may require.

Tabling

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Annual
report to
faculty, etc.

(3) The Board shall make available to the employees of the University and its affiliated colleges and to the students, an annual report including an annual financial report in such form and manner as the Board may determine.

THE SENATE

Composition
of Senate

12.—(1) There shall be a Senate of the University composed of,

- (a) the Chancellor, the President, the Vice-Presidents, the senior Dean of each faculty, the Dean of Graduate Studies, the Dean of Adult Education, the Principal of the Divinity College, the head of each college hereafter affiliated with the University, the Chairman of the Board-Senate Committee on Long-Range Planning and the Chairman of the Undergraduate Council, who shall be *ex officio* members;
- (b) three members appointed by and from the Board;
- (c) four members appointed by the Alumni Association of the University from among the graduates;
- (d) six members, one to be elected by and from the undergraduate students registered in each of the Faculties of Business, Engineering, Health Sciences, Humanities, Science and Social Sciences;
- (e) six members, one to be elected by and from the graduate students registered through the School of Graduate Studies in each of the Faculties of Business, Engineering, Health Sciences, Humanities, Science and Social Sciences;

(f) one member appointed by and from the teaching staff of the Divinity College and of each college hereafter affiliated with the University;

(g) members elected by and from the teaching staff of the University in the following numbers,

- (i) Faculty of Theology —one member,
- (ii) Faculty of Business —three members,
- (iii) Faculty of Engineering —three members,
- (iv) Faculty of Health Sciences —six members,
- (v) Faculty of Humanities —six members,
- (vi) Faculty of Sciences —six members,
- (vii) Faculty of Social Sciences —six members;

and

(h) three members elected by and from the teaching staff of, and one member elected by and from the undergraduate students registered in, each faculty established hereafter.

(2) The Senate shall by by-law determine the manner and procedure for the election of its members under clauses *d*, *e*, *g* and *h* of subsection 1 and for such elections may determine constituencies and assign persons or classes of persons to such constituencies, shall conduct such elections and determine any dispute as to eligibility to hold office or to vote, and the election of members under clauses *d*, *e*, *g* and *h* of that subsection shall be by secret ballot. ^{Election procedures}

(3) A member of the Senate ceases to hold office if he ceases to be eligible under the clause in subsection 1 under which he was appointed or elected. ^{Eligibility}

(4) The term of office for an appointed or elected member of the Senate shall be three years except that, in the case of a student member, the term shall be two years. ^{Term of office}

(5) Subject to subsection 6, a member of the Senate shall be eligible for reappointment or re-election, as the case may be, except that no member shall serve for more than two consecutive terms, but on the expiration of three years after having served the second of two consecutive terms, such person may again be eligible for membership on the Senate. ^{Idem}

Proviso

(6) The limit of two consecutive terms referred to in subsection 5 does not include,

- (a) service on the Senate prior to the day this Act comes into force;
- (b) the balance of an unexpired term for a person who becomes a member of the Senate under section 15;
- (c) a term reduced under subsection 2 of section 19.

Continuation
in office

(7) Notwithstanding the expiration of the term for which he was appointed or elected, a member of the Senate who is otherwise eligible may, by resolution of the Senate, continue to hold office until his successor is appointed or elected.

Exercise of
powers by
Senate

(8) Notwithstanding any vacancy on the Senate, where there are at least forty-five members, the Senate may exercise its powers, and twenty members or such greater number as is provided by by-law shall constitute a quorum.

Vacancies

(9) After thirty days notice to an appointed or elected member, the Senate, by a resolution passed by at least two-thirds of the votes cast at a meeting of the Senate, may for just cause declare vacant the seat of such member.

Chairman
and Vice-
Chancellor

(10) The President shall be Chairman of the Senate and Vice-Chancellor of the University.

Vice-
Chairman

(11) One of the Vice-Presidents, designated by the President, shall be the Vice-Chairman of the Senate.

Secretary

(12) The Secretary of the Senate shall be an officer of the University so designated by the Senate.

Powers of
Senate

13. The Senate has power to,

- (a) appoint the Chancellor;
- (b) nominate for appointment by the Board under the procedure established in subsection 3 of section 16, a person for the position of President;
- (c) nominate for appointment by the Board, one or more Vice-Presidents, the Deans, the University Librarian, the University Registrar, and the members of the teaching staff of the University, excluding a person to be appointed for a stated period of time;

- (d) nominate for promotion by the Board, the members of the teaching staff of the University;
- (e) recommend to the Board the suspension or removal of a member of the teaching staff of the University;
- (f) control and regulate the system of education pursued in the University and the conduct, activities and discipline, including suspension or expulsion, of the students thereof;
- (g) determine all courses of study, including standards for admission into the University and qualifications for degrees, diplomas and certificates;
- (h) conduct examinations and appoint examiners;
- (i) deal with matters arising in connection with the award of fellowships, scholarships, medals, prizes and other awards;
- (j) authorize the Chancellor and the Vice-Chancellor to confer the degrees of bachelor, master and doctor, including degrees in theology, and to award diplomas and certificates;
- (k) recommend to the Board the establishment or termination of any faculty, school, institute or department and the terms on which any institution of higher learning may become part of or be affiliated with the University;
- (l) appoint an executive committee and such other committees as it may deem advisable and delegate to any such committee any of its powers;
- (m) make by-laws and regulations for the conduct of its affairs; and
- (n) make recommendations to the Board on any subject of concern to the University.

BOARD OF GOVERNORS AND SENATE

14.—(1) Subject to subsections 2 and 3, the meetings of the Board and of the Senate shall be open to the public and prior notice of such meetings shall be given to the members and to the public in such manner as the Board and the Senate by by-law shall respectively determine, Meetings
to be open

and no person shall be excluded therefrom except for improper conduct.

Proviso

(2) Where matters confidential to the University may be discussed at a meeting of the Board or of the Senate, the part of the meeting concerning such matters shall be held *in camera*.

Idem

(3) Where matters of a personal nature concerning an individual may be discussed at a meeting of the Board or of the Senate, the part of the meeting concerning such individual shall be held *in camera* unless such individual requests that such part of the meeting be open to the public.

**Examination
of by-laws**

(4) The by-laws of the Board and of the Senate shall be open to examination by the public during normal business hours.

**Publication
of by-laws**

(5) The Board and the Senate shall publish their by-laws from time to time in such manner as they may respectively consider proper.

Vacancies

15. Where a vacancy on the Board or Senate occurs before the term of office for which a person was appointed or elected has expired,

(a) if the vacancy is that of an appointed member, the vacancy may be filled by the same authority which appointed the person whose membership is vacant; and

(b) if the vacancy is that of an elected member, the Board or the Senate, as the case may be, shall determine by resolution if the vacancy is to be filled and, if so, and notwithstanding any other provision of this Act, the manner and procedure for doing so shall be determined by by-law,

and a person appointed or elected hereunder shall hold office for the remainder of the term of office of the person whose membership is vacant.

CHANCELLOR AND PRESIDENT

**Duties of
Chancellor**

16.—(1) The Chancellor or in his absence the Vice-Chancellor shall preside at all convocations and, by virtue of the authority vested by the Senate, the Chancellor and

the Vice-Chancellor shall confer all degrees and award diplomas and certificates.

(2) The President of the University shall be the chief executive officer of the University under the authority of the Board and the Senate, and shall have general supervision over and direction of the academic and administrative work of the University and of its teaching and non-teaching staffs.

Powers of
President

(3) The President shall be appointed by the Board on nomination by the Senate after the Senate has requested, received and considered a recommendation from a committee composed of five persons to be named by the Board and five persons to be named by the Senate, as shall be determined by their respective by-laws, which committee shall appoint its own chairman and determine its own procedure, and any recommendation of the committee shall be made in writing and signed by at least eight members and delivered to the Senate within nine months after the date on which the Senate shall have named the five persons to be named by it, and failing such recommendation, the Senate may nominate and the Board may appoint the President.

Appointment
of President

(4) The President may upon the nomination of the Senate make recommendations to the Board as to the appointment and promotion of one or more Vice-Presidents, the Deans, the University Librarian, the University Registrar and the members of the teaching staff of the University.

Recom-
mendations
by President
as to staff

GENERAL

17. McMaster Divinity College shall continue to be affiliated with the University subject to the terms of agreement between the said College and the University.

Affiliation of
McMaster
Divinity
College
continued

18. The Board shall have power to transfer or grant to the Divinity College, as may be agreed upon with the Board of Trustees of the Divinity College,

Power to
transfer
property to
Divinity
College

- (a) property received after the coming into force of this Act under wills and other instruments dated prior thereto in trust for purposes of theological education, subject to the trusts thereof; and
- (b) the right to use property and services of the University while the work of the Divinity College is conducted on lands owned by the University.

Present
Board and
Senate
continued

19.—(1) Notwithstanding sections 8 and 12, the members of the Board and Senate holding office immediately before this Act comes into force shall continue to hold office and constitute the Board and Senate under this Act until the members of the Board and Senate are appointed or elected in accordance with this Act.

Staggered
terms of
office

(2) Prior to the first appointments or elections of members after this Act comes into force, the Board and Senate respectively shall provide for staggered terms of office.

By-laws, etc.,
continued

(3) Subject to this Act, all by-laws, rules, regulations and resolutions of the Board and Senate made prior to the coming into force of this Act shall continue in force until amended or repealed.

First
membership
year

(4) Notwithstanding any other provision of this Act, the first membership year of the Board and of the Senate after this Act comes into force may be for a period of less than twelve months.

Repeals

20. The following are repealed:

1. *The McMaster University Act, 1957*, being chapter 144.
2. *The McMaster University Amendment Act, 1962-63*, being chapter 173.
3. *The McMaster University Amendment Act, 1968-69*, being chapter 155.

Commence-
ment

21. This Act comes into force on the day it receives Royal Assent.

Short title

22. This Act may be cited as *The McMaster University Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

ASSEMBLY PROROGUED

CLERK
LEGISLATIVE ASSEMBLY





An Act respecting
McMaster University

1st Reading

March 29th, 1976

2nd Reading

April 14th, 1976

3rd Reading

April 14th, 1976

MR. NIXON

BILL Pr8

Pauline G. G. S. H.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the Borough of York

MR. MACDONALD

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr8

1976

An Act respecting the Borough of York

WHEREAS The Corporation of the Borough of York, ^{Preamble}
 hereinafter called the Corporation, hereby represents
 that it is desirable to provide that the Corporation may
 require the removal of dead or decayed trees from private
 property, and to provide for the establishing of spaying or
 neutering clinics within the Borough; and whereas the
 Corporation hereby applies for special legislation for such
 purposes; and whereas it is expedient to grant the appli-
 cation;

Therefore, Her Majesty, by and with the advice and
 consent of the Legislative Assembly of the Province of
 Ontario, enacts as follows:

1. Notwithstanding the provisions of any general or ^{Authority to}
 special Act, the council of The Corporation of the Borough ^{pass by-laws}
 of York may pass by-laws,

- (a) requiring the owners or persons in charge of any premises to destroy, cut down or remove any trees which, by reason of being dead or in a state of decay are, in the opinion of the Commissioner of Parks and Recreation for the Borough of York, a possible menace to adjacent property or persons, and such by-law may provide that upon receipt of an order by the owner or person in charge of any premises from the Commissioner of Parks and Recreation for the Borough of York requiring the removal of the whole or any part of any dead or decayed tree, the owner or person in charge of any premises shall comply with the terms of the said order, and any such by-law may further provide that where an owner or person in charge of any premises has received an order under such by-law and fails to comply with such order, the Corporation may enter upon private lands for the sole purpose of cutting down, removing

R.S.O. 1970,
c. 350

or trimming such dead or decayed tree, and, provided that the death or decay of such tree has not been caused by a plant disease within the meaning of *The Plant Diseases Act*, the cost of such work or such part of the cost as council may consider equitable, may be recovered from the owner of the lands and such costs shall be a charge against the lands and may be entered as a charge on the collector's roll and may be recovered in the same manner as municipal taxes; and

- (b) to establish a clinic or clinics within the Borough of York for the spaying or neutering of domestic animals without cost to the owners of such animals, or upon payment to the Corporation of such fees as may be established by the by-law.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Borough of York Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 23 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
the Borough of York

1st Reading

March 29th, 1976

2nd Reading

April 14th, 1976

3rd Reading

April 14th, 1976

MR. MACDONALD

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting
The Kent County Roman Catholic
Separate School Board**

MR. SPENCE

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BILL Pr9

1976

**An Act respecting
The Kent County Roman Catholic
Separate School Board**

WHEREAS The Kent County Roman Catholic Separate ^{Preamble}
School Board hereby represents that Henry Neree
Tisdelle, late of the Town of Tilbury, in the County of
Kent, in the Province of Ontario, Canada, died on or
about the 29th day of January, 1971, leaving a will
dated the 25th of August, 1970; that probate of such
will was duly granted out of the Surrogate Court of the
County of Kent, on the 14th day of April, 1971; that
by clause "K" of such will the testator gave the residue
of his estate to St. Joseph Separate School of Tilbury,
Ontario, Canada; that The Kent County Roman Catholic
Separate School Board has vested in it the property set
out in Schedule A hereto, which was received from or
purchased with moneys received from the Executrix of the
Estate of the late Henry Neree Tisdelle; and whereas the
applicant hereby applies for special legislation to establish
a trust fund consisting of the property set out in Schedule A
hereto; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. The property particularly set out in Schedule A <sup>Trust estab-
lished</sup>
hereto, together with any accumulated income thereon, is
hereby established a trust fund under the name of "Henry
Neree Tisdelle Trust".

2. The trustees of the Henry Neree Tisdelle Trust (herein- ^{Trustees}
after referred to as "the trustees") shall be those members
of The Kent County Roman Catholic Separate School
Board, who are from time to time elected as members
of such Board.

Assets vested
in trustees
1974, c. 109

3. The assets of the Henry Neree Tisdelle Trust are, notwithstanding subsection 2 of section 166 of *The Education Act, 1974*, hereby vested in the trustees as herein provided for, and The Kent County Roman Catholic Separate School Board is authorized and directed to transfer, convey and pay over the said assets, together with any accumulated income thereon, to the trustees.

Investment

4. The trustees may postpone the realization of any of the assets in the said Schedule A set out which are not investments authorized by the laws of Ontario for the investment of trust funds and save as aforesaid, all funds of the Henry Neree Tisdelle Trust shall be invested and reinvested in investments authorized by the laws of Ontario for the investment of trust funds.

Disposition
of income

5. The net income in the hands of the trustees shall be paid and applied as follows:

1. The sum of \$200,000 shall be maintained as a perpetual trust fund and shall be invested by the trustees, subject to the limitation on investments aforementioned, and the income therefrom shall be used and applied in the following manner, namely,

(a) the trustees shall expend such amount or amounts, not exceeding the sum of \$3,000 in each calendar year, as the trustees in their discretion shall deem appropriate to sponsor for the students at St. Joseph Separate School, Tilbury, such scholarships, merit prizes, trophies, awards, educational assistance and activities as the trustees deem advisable from time to time; and

(b) to pay the balance of the income therefrom in each year to the respective treasurers for the Town of Tilbury, the Township of Tilbury North, the Township of Tilbury West and the Township of Tilbury East, subject to the provisions of this paragraph. The net balance of income available to be paid to the said municipalities shall be ascertained on or before the 1st day of March in each year next succeeding the calendar year in which the said income has been earned and the said net income shall be apportioned and paid between the said municipalities in the ratio that the assessment, as adjusted by the equalizing factor referred

to in subsection 1 of section 127, of *The Education Act, 1974*, directed to the support of Roman Catholic Separate Schools under the jurisdiction of The Kent County Roman Catholic Separate School Board in that part of each of the said municipalities within the area described in Schedule B hereto, bears to the total of such assessment, in the area defined in Schedule B hereto, as so equalized. Payment of the amounts as determined in accordance with this paragraph to each of the said municipalities shall be made in the year next succeeding the calendar year in which the income is earned at such time or times as the trustees may determine, provided that such payments shall be made not later than the last day appointed for the payment under subsection 1 of section 130 of *The Education Act, 1974*, of the rates and taxes collected by the said municipalities respectively for The Kent County Roman Catholic Separate School Board. The assessments and equalizing factors used for the said annual apportionment shall be determined in accordance with the current practices from time to time of The Kent County Roman Catholic Separate School Board based on the information available at the time of such determination. The said amounts paid to each of the said treasurers shall be applied by them in the year of receipt thereof in reduction of the amount required to be levied by each of the said municipalities in that year for Roman Catholic Separate School purposes by The Kent County Roman Catholic Separate School Board from supporters of such Board, within the area described in Schedule B hereto.

2. The remainder of the assets described in Schedule A hereto shall be held in trust by the trustees and invested, subject to the limitation on investments aforementioned, with the income to accumulate to the trust. The trustees shall have the power to invest accumulated income. At such time as the trustees in their discretion deem advisable, the said remainder of assets, investments and accumulated income shall be expended by the trustees for the purposes of providing educational equipment to St. Joseph Separate School, Tilbury, or for the purpose of constructing a building as an addition

to St. Joseph Separate School, Tilbury, or for both of the said purposes; provided that the equipment or building for which such funds are expended shall be such that no provincial grants would have been applicable or obtainable with respect to such equipment or building. At any time the trustees may declare that the purposes in this clause directed are terminated, whereupon any balance of trust funds subject to the provisions of this clause shall be added to and become part of the trust funds subject to the provisions, conditions and directions in clause b of paragraph 1.

Audit

6. The Henry Neree Tisdelle Trust shall be audited each year by the auditor for The Kent County Roman Catholic Separate School Board, and the trustees shall furnish to such auditor all information and material required by him.

Administration costs paid out of trust fund

7. The trustees are authorized to appoint a secretary-treasurer and to engage the services of agents, accountants, investment counsel, solicitors and such other professional assistants as may be reasonably required in the administration of the trust and may pay proper remuneration for such services out of the income of the trust fund.

Remuneration of trustees

8. The trustees shall serve without remuneration but may be reimbursed out of the trust fund for reasonable expenses incurred in the performance of their duties as trustees.

Payments in 1977

9. For the purposes of this Act, the assets and accumulated income transferred to the trustees by The Kent County Roman Catholic Separate School Board shall constitute the original capital of the trust and the first payments as provided for in section 5 shall be paid in the year 1977, out of income earned in the year 1976.

Commencement

10. This Act shall be deemed to have come into force on the 1st day of January, 1976.

Short title

11. This Act may be cited as *The Kent County Roman Catholic Separate School Board Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 13 19 76

ASSEMBLY PROROGUED December 16 19 76

Roderick Law
CLERK

LEGISLATIVE ASSEMBLY

SCHEDULE A

Debenture No.	Issued by	Face Amount
052153	The Lambton Loan & Investment Company, registered in the name of The Kent County Roman Catholic Separate School Board	\$210,164.38
048321	The Lambton Loan & Investment Company, registered in the name of The Kent County Roman Catholic Separate School Board	42,000.00
144	Board of Trustees of the Roman Catholic Separate Schools—Town of Tilbury	1,000.00
145	do.	1,000.00
157	do.	1,000.00
158	do.	1,000.00
159	do.	1,000.00
160	do.	1,000.00
161	do.	10,000.00
162	do.	1,000.00
163	do.	1,000.00
164	do.	1,000.00
165	do.	1,000.00
166	do.	10,000.00
Certificate No. 99 for 1 share of Parker Brothers Company Limited		
Certificate No. 85 for 999 6/10 shares of Parker Brothers Company Limited		
value placed by Succession Duty Department		17,010.20
Canadian Imperial Bank of Commerce, 99 King Street West, Chatham, savings account #95,29667 balance @ October 28th, 1975		2,273.50
		<hr/>
		\$301,448.08

SCHEDULE B

ALL of the Town of Tilbury, in the County of Kent and those parts of the Townships of Tilbury North and Tilbury West in the County of Essex and the Township of Tilbury East in the County of Kent, which are butted and bounded as follows:

COMMENCING at a point on the southerly shore of the Thames River where the same is intersected by the line between Lots 18 and 19 in the Broken Front Concession, in the Township of Tilbury North;

THENCE southerly along the line between Lots 18 and 19, in the Broken Front Concession to the road between the first Concession and the Broken Front Concession;

THENCE westerly along said last mentioned road to the line between Lots 17 and 18;

THENCE southerly along the line between Lots 17 and 18 to the road between the Second and Third Concessions;

THENCE westerly along said last mentioned road to the line between Lots 16 and 17;

THENCE southerly along the line between Lots 16 and 17 to the road between the Third and Fourth Concessions;

THENCE westerly along the last mentioned road to the line between Lots 13 and 14;

THENCE southerly along the line between Lots 13 and 14 to the road between Concessions Four and Five;

THENCE easterly along said last mentioned road to the line between Lots 14 and 15;

THENCE southerly along the line between Lots 14 and 15 to the road between the Township of Tilbury North and the Township of Tilbury West;

THENCE westerly along said townline road to the line between Lots 12 and 13 in the Township of Tilbury West;

THENCE southerly along the line between Lots 12 and 13 to the road between Concessions 7 and 8.

THENCE easterly along the road between Concessions 7 and 8 in the Township of Tilbury West and Tilbury North to the townline road between the Township of Tilbury North and the Township of Tilbury East;

THENCE southeasterly along the line between Lots 24 and 25 in the Township of Tilbury East to the road between Concessions 7 and 8.

THENCE northeasterly along said last mentioned road to the line between Lots 23 and 24;

THENCE southeasterly along the line between Lots 23 and 24 to the road between Concessions 8 and 9;

THENCE easterly along the road between Concessions 8 and 9 to the line between Lots 15 and 16;

THENCE northwesterly along the line between Lots 15 and 16 to the road between the 7th Concession and the South Middle Road Concession;

THENCE easterly along the said last mentioned road to the line between Lots 20 and 21 in the South Middle Road Concession;

THENCE northerly along the line between Lots 20 and 21 in the south and North Middle Road Concessions to the road between the North Middle Road Concession and the 6th Concession;

THENCE easterly along the last mentioned road to the line between Lots 11 and 12 in the 6th Concession;

Thence northwesterly along the line between Lots 11 and 12 to the road between the 5th and 6th Concessions;

THENCE northeasterly along the said last mentioned road to the line between Lots 7 and 8;

THENCE northwesterly along the line between Lots 7 and 8 to the road between the 4th and 5th Concessions;

THENCE northeasterly along the said last mentioned road to the line between Lots 6 and 7;

THENCE northwesterly along the line between Lots 6 and 7 to where the same intersects the southerly bank of Jeannettes Creek;

THENCE westerly and northerly downstream along the various turnings of the southerly bank of Jeannettes Creek to where the same intersects the bank of the Thames River;

THENCE continuing along the various courses of the southerly bank of the Thames River to the place of beginning.



An Act respecting
The Kent County Roman Catholic
Separate School Board

1st Reading

March 18th, 1976

2nd Reading

May 13th, 1976

3rd Reading

May 13th, 1976

MR. SPENCE

BILL Pr10

Pauline L. L. L. L.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting St. Andrew's Church, Ottawa

MR. MORROW

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

12/2/61

12/2/61

12/2/61

12/2/61

12/2/61

BILL Pr10

1976

An Act respecting St. Andrew's Church, Ottawa

WHEREAS the Congregation of St. Andrew's Church, Preamble
Ottawa, established in 1828 in connection with the
Church of Scotland, and continuing since 1875 in the
Presbyterian Church in Canada, hereby represents that it is
desirable to revise and consolidate the Statutes enacted
with respect to the said St. Andrew's Church, namely,
31 Victoria, chapter 61, 38 Victoria, chapter 86, 53 Victoria,
chapter 144, 56 Victoria, chapter 108 and 6 George V,
chapter 114; and whereas the Congregation of St. Andrew's
Church hereby applies for special legislation for such purposes;
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) "adherent" means one who attends public worship
regularly and regularly supports the work and
ordinances of the Church, but who has not been
received into the communicant membership of the
Church;
- (b) "Church" means St. Andrew's Church, Ottawa;
- (c) "communicant member of the Church" means one
who has been received into the fellowship of the
Presbyterian Church in Canada and into the member-
ship of St. Andrew's Church, Ottawa by Resolution
of the Kirk Session;
- (d) "Congregation" means the company of persons,
together with their children, who are associated
at St. Andrew's Church, Ottawa for Christian
worship, instruction, fellowship and work, with the

sanction of the Presbytery of Ottawa of the Presbyterian Church in Canada;

- (e) "Glebe Trustees" means the Glebe Trustees of St. Andrew's Church, Ottawa;
- (f) "Kirk Session" means the Kirk Session of St. Andrew's Church, Ottawa and consists of its minister or ministers and ruling elders as defined in the Book of Forms of the Presbyterian Church in Canada and as may be amended from time to time by the General Assembly of the Presbyterian Church in Canada;
- (g) "Temporal Committee" means the Temporal Committee of St. Andrew's Church, Ottawa.

MEETINGS

Annual
meeting

2.—(1) An annual meeting of the members of the Congregation shall be called by the Kirk Session and, subject to subsection 2, shall be held on such day, or days, in each year as may be fixed by by-law of the Congregation for,

- (a) the election of members of the Temporal Committee, of the Glebe Trustees, and of such other committees and officers of the Church as may be authorized by by-law of the Congregation;
- (b) the transaction of all matters and things relating to the affairs of the Congregation;
- (c) the receiving of reports of the different committees or organizations of the Church; and
- (d) the transaction of any such business as may be brought before the meeting, save and except those matters which are properly the responsibility of the Kirk Session as defined in the Book of Forms.

Idem

(2) Unless otherwise provided by by-law, the annual meeting of the Congregation shall be held on the second Monday of the month of February in each year.

Audited
accounts

(3) The Temporal Committee and the Glebe Trustees shall, at each annual meeting, submit full, correct and audited accounts of their receipts and expenditures, and of their dealings with the funds and property vested in or belonging to them.

Special
meeting

3.—(1) A special meeting of the Congregation may be called at any time by the Kirk Session, by the Temporal Committee or by the Glebe Trustees.

(2) It shall be the duty of the Kirk Session, of the Temporal Committee, or of the Glebe Trustees, as the case may be, upon receiving a requisition signed by not less than ten communicant members of the Congregation, to call a special meeting of the Congregation, to be held as soon as due notice can be given after the receipt of such requisition.

Duty of
Kirk Session,
etc., to call
meeting

(3) A requisition or notice calling a special meeting of the Congregation shall specify the purpose or object of the meeting, and no business shall be transacted at any special meeting other than that specified in the notice calling the same.

Form of
requisition
or notice
calling a
special
meeting

4. Notice calling an annual or special meeting of the Congregation shall be given during the regular service of worship on each of two consecutive Sundays immediately preceding the day appointed for such meeting, or may be given in such other manner and for such period, not less than seven days prior to such meeting, as may be provided by by-law of the Congregation duly sanctioned for that purpose.

Giving of
notice of
meeting

5.—(1) The minister of the Congregation or in lieu thereof the minister appointed by the Presbytery, shall preside at all meetings of the Congregation.

Congrega-
tional
meetings

(2) If a minister under subsection 1 is absent, or declines to preside, a chairman elected by the meeting shall preside.

Chairman
for congre-
gational
meeting

(3) A secretary shall be appointed to keep the minutes or record of annual or special congregational meetings, which minutes shall be signed by the chairman and the secretary, and maintained by the Temporal Committee in trust for ever.

Minutes

BY-LAWS

6.—(1) The Congregation, in an assembled annual or special meeting, may pass such by-law or by-laws respecting the temporal affairs of the Congregation, as shall not be contrary to the laws of the Province of Ontario or to the established laws and usages of the Presbyterian Church in Canada, or to the provisions of this Act, as may appear necessary or expedient for the interest of the Congregation.

Passage
of by-law

(2) No by-law of the Congregation, of the Temporal Committee, or of the Glebe Trustees, shall have any force or effect unless and until the same is ratified and approved by a majority of those members of the Congregation who are present at an annual or special meeting of the Congregation.

Ratifica-
tion and
approval
of by-law

**Notice of
by-law**

(3) Before a by-law of the Congregation, of the Temporal Committee or of the Glebe Trustees is presented for ratification and approval to any annual or special meeting of the Congregation, notice of such by-law shall be given during the regular service of worship on each of two successive Sundays immediately preceding the day appointed for such meeting, or in such other manner and for such period, not less than seven days prior to such meeting, as may be provided by by-law of the Congregation duly sanctioned for that purpose.

Quorum

(4) Unless and until otherwise provided by by-law of the Congregation, the quorum for the transaction of business at any annual or special meeting of the Congregation shall be twenty-five.

**Purposes
of by-laws**

(5) Without limiting the general powers of passing by-laws, the Congregation may pass by-laws to,

- (a) vary the quorum for the transaction of business at any annual or special meeting of the Congregation; and
- (b) establish such other committees as it may deem necessary.

**Exercising
of powers**

(6) The powers herein conferred may be exercised from time to time and as often as the Congregation may consider it advisable to do so.

**Power to
repeal, amend
and re-enact
by-laws**

(7) The Congregation shall have the power to repeal or amend any by-law passed by them and to re-enact the same in whole or in part.

**Effect of
existing
by-laws**

(8) The by-laws of the Congregation, of the Temporal Committee and of the Glebe Trustees, in effect at the time of the passing of this Act shall continue to have force and effect unless and until the same are amended or repealed.

Voting

7.—(1) Only the following persons shall have the right to vote,

- (a) for the election of members of the Temporal Committee;
- (b) for Glebe Trustees; and
- (c) upon all matters submitted at meetings of the Congregation, namely,

- (i) communicant members of the said Congregation,
- (ii) adherents of the said Congregation, except upon matters affecting,
 - a. the order of worship,
 - b. the discipline of the Church, or
 - c. the acquisition or disposal of property.

(2) In the event of a tie vote, the chairman shall have ^{Casting vote} the casting vote.

TEMPORAL COMMITTEE

8. The members of the Temporal Committee currently in office, and their successors in office to be elected in the manner hereinafter provided, are hereby constituted and declared to be a body politic and corporate, by the name and style of "The Temporal Committee of St. Andrew's Church, Ottawa", and shall have all the rights and powers vested in corporations generally by *The Interpretation Act*. ^{Body corporate} R.S.O. 1970, c. 225

9.—(1) Unless and until otherwise provided by by-law of the Temporal Committee, the Temporal Committee shall be composed of eighteen members who shall hold office for three years, six of such members retiring annually in rotation. ^{Composition of Temporal Committee}

(2) The qualifications for membership in the Temporal Committee, the order in which the members of the Temporal Committee shall retire, and the period for which each member shall hold office, shall continue for each of the members of the Committee, as they exist at the time of the passing of this Act, until otherwise provided by by-law of the Committee. ^{Membership in Temporal Committee}

10.—(1) Subject to the provisions of subsection 2 of section 6, the Temporal Committee may pass by-laws to, ^{Purpose of by-laws}

- (a) vary the number of members of the Temporal Committee;
- (b) vary the qualifications of persons to be elected members of the Temporal Committee;
- (c) declare and define the method of election or appointment of members to the Temporal Committee;

- (d) prescribe the period for which members of the Temporal Committee shall hold office;
- (e) appoint such officers for the care and management of the property of the Congregation as may be deemed expedient;
- (f) provide for the election by the Temporal Committee, or by such other method of election as may seem expedient, of an executive committee with such powers and subject to such supervision or control by the Temporal Committee, as may seem advisable; and
- (g) provide for the payment out of the capital held by the Glebe Trustees, designating the purpose to which it is to be applied, duly sanctioned by the votes of not less than two-thirds of those present at an annual or special meeting of the Congregation, and who are duly qualified to vote.

Payment of
capital as
designated
by by-law

(2) Upon the authority of a by-law duly approved pursuant to clause g of subsection 1, the Glebe Trustees shall pay to the Temporal Committee so much of the capital in their hands as is designated by such by-law.

Powers of
Temporal
Committee

11. The Temporal Committee shall have general charge of the collection, management and administration of the revenues and property of the Congregation, but nothing in this Act shall affect, impair, or take away,

- (a) any powers or duties vested in the Kirk Session,
 - (i) in regard to the collection of moneys for charitable or benevolent purposes, or
 - (ii) in aid of the general funds of the Presbyterian Church in Canada; or
- (b) any of the powers and duties of the Glebe Trustees as hereinafter defined.

Vesting of
property in
Temporal
Committee

12. All property, real and personal, funds and assets of every kind or description vested in or held by the Congregation are hereby vested in the Temporal Committee, save and except the assets, money and securities vested in or held by the Glebe Trustees.

Directions
in bequests,
legacies or
gifts

13. Where bequests, legacies or gifts are subject to testamentary or other directions requiring the immediate

disbursement of the capital of such bequests, legacies or gifts for specific purposes, the Temporal Committee shall ensure that such bequests, legacies or gifts are applied in accordance with the directions given.

14. It shall be lawful for the Temporal Committee to ^{Acquisition of real estate} acquire real estate by any lawful title, whether by purchase, donation, exchange, legacy or otherwise.

15. It shall be lawful for the Temporal Committee to ^{Disposition of real estate} lease, sell, alienate or mortgage the lands and premises or any part thereof, held or to be held by them for the trusts and purposes declared and expressed in respect thereof, and to invest the same or a part thereof in other property, in such manner and for such purposes and uses of the Congregation, as the Congregation may decide at any annual or special meeting.

16.—(1) Within ten days after each annual meeting, the members of the Temporal Committee shall elect one of their number as chairman, one as vice-chairman, one as secretary and one as treasurer, and the same person may be chosen to fill the offices of both secretary and treasurer. ^{Election of officers of Temporal Committee}

(2) The chairman, or in the absence of the chairman, the vice-chairman or such one of the members of the Temporal Committee as a majority of such meeting shall name shall preside at all meetings of the Temporal Committee. ^{Presiding at meetings}

(3) In the case of an equality of votes at any such meeting, the chairman or other person presiding shall have the casting vote. ^{Casting vote}

(4) The secretary shall keep in books for that purpose, minutes or records of the proceedings of the meetings of the Temporal Committee, which shall be signed by the secretary and the chairman or other person presiding at such meeting, and shall be maintained by the Temporal Committee in trust for the Congregation. ^{Record of proceedings}

(5) The treasurer shall collect and receive all moneys due to the Temporal Committee, and keep and disburse the same under the direction of the Temporal Committee, and keep a true and faithful account of all such receipts and disbursements. ^{Treasurer's duties}

17. All deeds, mortgages, leases and other conveyances shall be sealed with the common seal of the Temporal Committee, and signed by the chairman and the secretary of that Committee, or by either of them together with one of ^{Execution of instruments}

the two other members of the Temporal Committee designated for that purpose by by-law of that Committee.

GLEBE TRUSTEES

**Body
corporate**

18. The members of the Glebe Trustees currently in office, and their successors in office to be elected in the manner hereinafter provided, are hereby constituted and declared to be a body politic and corporate, by the name and style of "The Glebe Trustees of St. Andrew's Church, Ottawa", and shall have all the rights and powers vested in corporations generally by *The Interpretation Act*.

R.S.O. 1970,
c. 225

**Composition
of Glebe
Trustees**

19.—(1) Unless and until otherwise provided by by-law of the Glebe Trustees, the Glebe Trustees shall be composed of seven persons, one of whom shall be appointed annually by the Temporal Committee, and six of whom shall hold office for three years with two of such persons retiring annually in rotation.

**Term of
office of
Glebe
Trustees**

(2) Upon the first election held after the passing of this Act, two members of the Glebe Trustees shall be elected for three years, two members for two years, and two members for one year.

Restriction

(3) No member of the Temporal Committee, other than the one appointed under subsection 1, shall be eligible to hold the office of Glebe Trustee.

**Eligibility
for election**

(4) Any retiring member of the Temporal Committee, or any one of the Glebe Trustees, not otherwise disqualified, shall be eligible for election.

**Qualifica-
tion for
election**

(5) To be eligible for election to the office of Glebe Trustee, a person shall be a communicant member of the Church.

**Effect of
death or
resignation
of Glebe
Trustee**

(6) The balance of any unexpired term of any Glebe Trustee who resigns or dies shall be filled by the election of a new Glebe Trustee at an annual or special meeting of the Congregation.

**Purpose
of by-laws**

20.—(1) Subject to the provisions of subsection 2 of section 6, the Glebe Trustees may pass by-laws to,

- (a) vary the number of members of the Glebe Trustees;
- (b) vary the qualifications of persons to be elected members of the Glebe Trustees;

- (c) declare and define the method of election, or the appointment of such members;
- (d) prescribe the period for which such members shall hold office;
- (e) appoint such officers for the care and management of the assets vested in the Glebe Trustees as may be deemed expedient; and
- (f) govern,
 - (i) the mode of executing the powers and duties of the Glebe Trustees and of their servants and agents,
 - (ii) the books of account to be kept,
 - (iii) the deposit, withdrawal and investment of money,
 - (iv) the employment and remuneration of a secretary-treasurer,
 - (v) any other assistance that may from time to time be required, and
 - (vi) all other matters relating to the said trust which they may deem expedient for and in the interest of their trust;
- (g) govern the *bona fide* payment of any money to and the receipt thereof by the secretary-treasurer of the Glebe Trustees.

(2) A payment made pursuant to clause *g* of subsection 1 shall effectually discharge the person paying such from seeing to the application or being answerable for the misapplication thereof.

DUTIES OF GLEBE TRUSTEES

21.—(1) The Glebe Trustees shall hold and administer the assets, moneys and securities arising from the sale of the Glebe Lands in the City of Ottawa, and in the hands of the Glebe Trustees in office as at the date of the passing of this Act.

(2) The Glebe Trustees shall hold and administer all investments or funds representing bequests, legacies or gifts

that have been, or shall in the future be received in the name of St. Andrew's Church, Ottawa, or other moneys that shall be directed to be held and administered by the Glebe Trustees, save and except those which contain directions requiring the immediate disbursement for specific purposes of the capital of such bequest, legacy or gift.

Effect of
directions
on bequests,
legacies or
gifts

(3) Where bequests, legacies or gifts are subject to testamentary or other directions with respect to the application of the income therefrom, the Glebe Trustees shall pay over to the Temporal Committee the net income earned on the investments representing such bequests, legacies or gifts, as soon as conveniently possible, specifying the amount of income earned on each bequest, legacy or gift, and the purpose to which it is to be applied.

Calcula-
tion of
net income

(4) The net income referred to in subsection 3, as determined by sound accounting principles, shall be calculated after making provision for the amortization of the net premium or discount on bonds or debentures representing such bequests, legacies or gifts.

Disposition
of net
income

(5) The net income earned by the Glebe Trustees on all assets, other than those referred to in subsection 3, shall be paid over to the Temporal Committee annually within sixty calendar days following the close of each calendar year, and payments on account may be made during the progress of each year.

Calcula-
tion of
net income

(6) The net income referred to in subsection 5, as determined by sound accounting principles, including, if deemed advisable, provision for the amortization of the net premium or discount on bonds or debentures purchased or held by the Glebe Trustees, shall be calculated after providing for all necessary carrying charges or expenses incurred in connection with the management of the assets or bank loans of the Glebe Trustees, but no sum shall be paid for the personal services of the individual Glebe Trustees.

Borrowing
powers of
Glebe
Trustees

(7) The Glebe Trustees may borrow moneys to the maximum amount of fifty thousand dollars (\$50,000) upon the collateral of securities held by such Glebe Trustees, and may advance the same without interest to the Temporal Committee, upon receipt of a request in writing from the Temporal Committee, signed by the chairman and the treasurer of the Temporal Committee.

Repayment
of loan

(8) A loan under subsection 7 shall be repaid by the Temporal Committee before the expiry of twelve months from the date of such loan.

(9) The Glebe Trustees have all the powers of investment of trustees in the Province of Ontario. Powers of investment of Glebe Trustees

(10) In general, the Glebe Trustees shall do all things and make all contracts and agreements, and sign all documents that may be necessary to carry out the objects and to exercise the powers of Glebe Trustees. General powers of Glebe Trustees

(11) All contracts, agreements, instruments and documents shall be sufficiently executed by the Glebe Trustees if sealed with their corporate seal and signed by two of their members. Execution of documents

22.—(1) Within thirty days after each annual meeting, the Glebe Trustees then in office shall elect one of their number as chairman. Election of chairman

(2) The chairman, or in the absence of the chairman, such one of the Glebe Trustees as a majority of such meeting shall name, shall preside at all meetings of the Glebe Trustees. Presiding at meeting

(3) In the case of an equality of votes at any such meeting, the chairman or other person chosen under subsection 2 to preside shall have the casting vote. Casting vote

(4) The Glebe Trustees shall appoint a secretary-treasurer who is not a Glebe Trustee and is a communicant member or adherent of the Congregation. Secretary-treasurer

(5) The secretary-treasurer shall keep, in books for that purpose, minutes or records of the proceedings had at the meetings of the Glebe Trustees, which shall be signed by the secretary-treasurer and the chairman or other person presiding at such meeting and shall collect and receive all moneys due to the Glebe Trustees, and keep and disburse the same under the direction of the Glebe Trustees, and keep a true and faithful account of all such receipts and disbursements. Duties of secretary-treasurer

23. The following are repealed:

Repeals

1. An Act to Incorporate the Temporal Committee of St. Andrew's Church, in the City of Ottawa, in connection with the Church of Scotland, and to vest certain property in the said Temporal Committee, being chapter 61 of the Statutes of Ontario, 1868.

2. An Act to amend the Act passed by the Legislature of Ontario in the thirty-first year of Her Majesty's reign and intituled "An Act to incorporate the Temporal Committee of St. Andrew's Church in the City of Ottawa in connection with the Church of Scotland, and to vest certain property in the said Temporal Committee, being chapter 86 of the Statutes of Ontario, 1874.
3. An Act respecting St. Andrew's Church, Ottawa, being chapter 144 of the Statutes of Ontario, 1890.
4. An Act to amend an Act respecting St. Andrew's Church, Ottawa, being chapter 108 of the Statutes of Ontario, 1893.
5. An Act respecting St. Andrew's Church, Ottawa, being chapter 114 of the Statutes of Ontario, 1916.

Commence-
ment

24. This Act comes into force on the day it receives Royal Assent.

Short title

25. This Act may be cited as *The St. Andrew's Church, Ottawa Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

April 23 19 *76*

ASSEMBLY PROROGUED

December 16

19 *76*

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
St. Andrew's Church, Ottawa

1st Reading

March 29th, 1976

2nd Reading

April 14th, 1976

3rd Reading

April 14th, 1976

MR. MORROW

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting Napco Poultry Limited

MR. MANCINI

41-3-37/3 in 2001 11/11/2001

11/11/2001 11/11/2001

11/11/2001 11/11/2001

11/11/2001 11/11/2001

BILL Pr11

1976

An Act respecting Napco Poultry Limited

WHEREAS Lloyd Louis Knapp, Stella Mary Knapp and Charles Edward Hickey hereby represent that Napco Poultry Limited, herein called the Corporation, was incorporated by letters patent dated the 30th day of March, 1967; that the Minister of Consumer and Commercial Relations, by order dated the 16th day of August, 1972, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the letters patent of the Corporation for default in filing annual returns and declared it to be dissolved on the 20th day of September, 1972; that the applicants were all the directors of the Corporation at the time of the said dissolution; that default in filing annual returns occurred by reason of an inadvertence; that the Corporation at the time of its dissolution owned certain real property; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Napco Poultry Limited, incorporated by letters patent dated the 30th day of March, 1967, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Napco
Poultry
Limited
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Napco Poultry Limited Act, 1976*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR May 7 1976
 PRESENTED BY PROROGUED December 16 1976

Roderick Lewis
 CLERK

LEGISLATIVE

An Act respecting
Napco Poultry Limited

1st Reading

April 8th, 1976

2nd Reading

April 27th, 1976

3rd Reading

April 27th, 1976

MR. MANCINI

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the City of Burlington

MR. REED

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BILL Pr12

1976

An Act respecting the City of Burlington

WHEREAS The Corporation of the City of Burlington, ^{Preamble}
 herein called the Corporation, hereby applies for special
 legislation in respect of the matter hereinafter set forth;
 and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and
 consent of the Legislative Assembly of the Province of
 Ontario, enacts as follows:

1. The council of The Regional Municipality of Halton, <sup>Debenture
by-law to be
passed by
Regional
Municipality
of Halton</sup>
 when required by by-law or resolution of the council of
 the Corporation shall pass by-laws, without obtaining the
 approval of the Ontario Municipal Board and without the
 recital of Municipal Board approval therein, to borrow the
 sum of \$617,295 upon debentures made payable in not more
 than twenty years, for the purpose of paying the cost of the
 construction of parking lots pursuant to section 1 of *The* <sup>1968-69,
c. 144</sup>
Town of Burlington Act, 1968-69, for the Corporation, and
 the by-laws when duly passed shall be legal, valid and
 binding upon The Regional Municipality of Halton and the
 debt or debts thereby created and all debentures issued
 under such by-law or by-laws shall be direct, joint and
 several obligations of The Regional Municipality of Halton
 and the four area municipalities constituting The Regional
 Municipality of Halton and shall be repaid by levies against
 the Corporation.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup>
 Assent.

3. This Act may be cited as *The City of Burlington Act*, ^{Short title}
 1976.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 13 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis

CLERK
 LEGISLATIVE ASSEMBLY

An Act respecting the
City of Burlington

1st Reading

April 8th, 1976

2nd Reading

May 13th, 1976

3rd Reading

May 13th, 1976

MR. REED

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the City of Toronto

MR. GROSSMAN

An Act respecting the City of Toronto

WHEREAS The Corporation of the City of Toronto, herein Preamble
called the Corporation, hereby applies for special legislation
in respect of the matters hereinafter set forth; and whereas it is
expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario, enacts as
follows:

- 1.—(1) The Corporation may, by by-law, provide that the whole By-laws
respecting
special
assessment
or any part of a special assessment falling due in the
year 1976 or in any year thereafter in respect of the
owner's portion of the cost of all or any works con-
structed under the authority of a by-law passed pursuant
to the provisions of *The Local Improvement Act* shall be R.S.O. 1970,
c. 255
assumed by the Corporation from year to year as the
same falls due and that an owner of land shall be relieved
from such special assessment or such part thereof as is
paid by the Corporation.
- (2) Notwithstanding *The Ontario Municipal Board Act*, sec- R.S.O. 1970,
c. 323,
ss. 63, 64
not to apply
tions 63 and 64 of such Act shall not apply to a by-law
passed pursuant to subsection 1.
2. Subsection 1 of section 3 of *The City of Toronto Act, 1960-61*, s. 3 (1),
amended
being chapter 137, as amended by the Statutes of Ontario,
1973, chapter 213, section 9, is further amended by striking
out "Subject to the approval of the Department of Trans-
port," in the first and second lines.
- 3.—(1) The council of the Corporation may by by-law authorize By-law
respecting
trees, etc.
the Commissioner of Parks and Recreation or such other
official as is named in the by-law, or any person acting
under his instructions, to enter, without notice to the
owner or tenant or occupier thereof, on any property in or
on which is located a tree that he has reason to believe
is in a condition creating an immediate hazard to persons
or property, for the purpose of inspecting and examining
the tree.

Right of entry
to remove
hazard

- (2) A by-law passed pursuant to subsection 1 may provide that where, upon inspection or examination, a tree located on private property appears to be in a condition creating an immediate hazard to persons or property, the Corporation shall have the right with its servants and agents and such equipment as may be deemed necessary, to enter on the property after making reasonable efforts to notify the owner or tenant or occupier of the property and remove the tree or otherwise eliminate the condition creating the hazard, without payment of compensation therefor.

Corporation
not liable

- (3) The Corporation and its servants and agents shall not incur any liability by reason of anything done under the authority of a by-law passed hereunder if reasonable care, skill and judgment are exercised in the doing of it.

Assistance of
constable

- (4) Any person, if obstructed in doing what is authorized by a by-law passed hereunder may call for the assistance of any constable and it is the duty of every constable so called upon to render such assistance.

Lien

- (5) The Corporation shall have a lien for any amount expended by or on behalf of the Corporation under the authority of a by-law passed pursuant to this section together with interest at a rate to be determined by the council from time to time and the certificate of the Clerk of the Corporation as to such amount shall be final and such amount shall be deemed to be taxes and may be added to the collector's roll to be collected in one year or to the proper collector's rolls to be collected by instalments over a period of not more than five years and the full amount or each instalment thereof may be collected as real property taxes, provided that the Corporation may provide the services at its expense with respect to properties owned by any class or classes of persons.

s. 6 (1) (e),
amended

- 4.—(1) Clause *e* of subsection 1 of section 6 of *The City of Toronto Act, 1936*, being chapter 84, as re-enacted by the Statutes of Ontario, 1967, chapter 131, section 6, is amended by striking out "demolish or" in the third line.

s. 6 (2) (c),
amended

- (2) Clause *c* of subsection 2 of the said section 6, as re-enacted by the Statutes of Ontario, 1967, chapter 131, section 6, is amended by striking out "or demolish the whole or any part of the dwelling" in the sixth and seventh lines.

s. 6 (6),
amended

- (3) Subsection 6 of the said section 6, as re-enacted by the Statutes of Ontario, 1967, chapter 131, section 6,

is amended by striking out "demolish the dwelling or to" in the first and second lines and by inserting after "modified" in the third line "or to demolish the dwelling in accordance with a by-law passed under subsection 13 or an order made under subsection 18".

- (4) Subsection 10a of the said section 6, as re-enacted by the Statutes of Ontario, 1967, chapter 131, section 6, is amended by striking out "demolish the dwelling or to" in the sixth line. s. 6 (10a),
amended

- (5) Subsection 13 of the said section 6, as re-enacted by the Statutes of Ontario, 1967, chapter 131, section 6, is repealed and the following substituted therefor: s. 6 (13),
re-enacted

(13) The council of the corporation may pass by-laws ordering the removal or demolition of any dwelling which in the opinion of the council is unfit for human habitation or dangerous to the health or safety of persons and which the owner thereof has failed to repair in accordance with an order made under subsection 20, as confirmed or modified. Removal or
demolition
authorized

- (6) Clause b of subsection 21 of the said section 6, as enacted by the Statutes of Ontario, 1967, chapter 131, section 6, is amended by striking out "demolition or" in the second line. s. 6 (21) (b),
amended

- (7) Subsection 23 of the said section 6, as enacted by the Statutes of Ontario, 1967, chapter 131, section 6, is amended by striking out "or demolition" in the sixth line. s. 6 (23),
amended

- (8) Subsection 24 of the said section 6, as enacted by the Statutes of Ontario, 1967, chapter 131, section 6, is amended by striking out "the dwelling should be demolished or that" in the third line. s. 6 (24),
amended

- (9) Subsection 25 of the said section 6, as enacted by the Statutes of Ontario, 1967, chapter 131, section 6, is amended by striking out "demolish or" in the eighth and ninth lines. s. 6 (25),
amended

- (10) Subsection 27 of the said section 6, as enacted by the Statutes of Ontario, 1967, chapter 131, section 6, is amended by striking out "or effect the demolition" in the seventh and eighth lines. s. 6 (27),
amended

- (11) The said section 6, as amended by the Statutes of Ontario, 1941, chapter 81, section 3, 1955, chapter 117, s. 6,
amended

section 4, 1956, chapter 125, section 4, 1960, chapter 170, section 3, 1967, chapter 131, section 6, 1970, chapter 168, section 1, 1971, chapter 130, sections 3 and 4, 1973, chapter 213, section 10, 1974, chapter 161, sections 1 and 5, 1975, chapter 116, section 5, is further amended by adding thereto the following subsection:

Demolition

(48) This section does not apply so as to prevent the demolition of any dwelling subject to the owner of the dwelling complying with the provisions of any other Act or regulations or by-laws thereunder.

**Roncesvalles
Business
Improvement
Area
R.S.O. 1970,
c. 284**

5. Notwithstanding section 361 of *The Municipal Act* and the levy made thereunder for the year 1975 against the persons in the Roncesvalles Business Improvement Area liable to pay the same, the Corporation may refund the special charge so levied and collected to the persons who have paid it and may assume at the expense of the Corporation accounts incurred by the Board of Management in the year 1975 for that Area.

**By-laws to
define area**

- 6.—(1) Notwithstanding the provisions of any other Act, subject to subsection 6, where land is or is to be acquired for a public park or a public park is or is to be established or laid out, the council may pass by-laws to define one or more areas in the municipality which in its opinion derives or will derive special benefit from the acquisition, establishment or laying out, and improvement of such public park.

**Levy of
public park
cost against
defined area**

- (2) Subject to subsections 4 and 6, where an area has been defined pursuant to this section, the council may levy the cost or part of the cost of the acquisition, establishment, laying out and improvement of land for the public park against the lands in the area payable in such number of annual instalments as the council shall prescribe, provided that council may establish a class or classes of land used for commercial, industrial, institutional or residential purposes to which the by-law passed pursuant to this subsection shall not apply.

**Apportion-
ment of
cost**

- (3) The cost chargeable against the lands within an area shall be apportioned in the same ratio as the assessment of each parcel bears to the total assessment of the parcels in the area which are subject to a levy under this section.

**Approval of
O.M.B.**

- (4) Where the cost or part thereof is to be levied as provided herein, a by-law, passed pursuant to subsection 2 does not

come into force until it is approved, altered or amended by the Ontario Municipal Board, and the council shall give notice of its application for approval to the assessed owners of each parcel of land subject to the levy in the area in such manner as the Ontario Municipal Board may direct.

- (5) The notice referred to in subsection 4 shall contain a statement of the total cost to be levied on the land in the area, the part of such cost to be apportioned to the particular parcel of land and the number of the instalments by which such cost is to be payable. Notice
- (6) The following are exempt from a levy under this section: Exempt lands
 1. Land in respect of which a conveyance of land for park purposes or a cash payment in lieu of conveyance has been accepted by the Corporation under section 35b of *The Planning Act*. R.S.O. 1970, c. 349
 2. Land within a plan of subdivision approved under *The Planning Act* or land within a description approved under *The Condominium Act* if land was conveyed to the Corporation for park purposes pursuant to a condition to the approval of the plan of subdivision or description or a payment in lieu of conveyance was accepted by the Corporation. R.S.O. 1970, c. 77
 3. Land in respect of which a contribution was made to the Corporation for public park purposes within ten years of the levy being made to the extent of the contribution so made.
- (7) Amounts collected by a levy under this section shall be used to defray the cost of the acquisition, establishment, laying out and improvement of the land referred to in subsection 2. To defray cost
- (8) Each and every instalment of the cost or part of the cost levied and payable under this section is a special lien on the land within the meaning of section 511 of *The Municipal Act* which section applies *mutatis mutandis* and may be collected in the same manner and with the same remedies as provided by *The Municipal Act* for the collection of municipal real property taxes. Lien
R.S.O. 1970, c. 284
- (9) The council may by by-law prescribe the terms and conditions upon which persons liable to pay amounts Commutation of special rates

levied under this section may commute for a payment in cash the amount of such liability.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The City of Toronto Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 13 1976
ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY



An Act respecting the City of Toronto

1st Reading

April 12th, 1976

2nd Reading

May 13th, 1976

3rd Reading

May 13th, 1976

MR. GROSSMAN

S. Pauline G. P. S. S. S.
BILL Pr14

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the Town of Fort Erie

MR. HAGGERTY

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL Pr14

1976

An Act respecting the Town of Fort Erie

WHEREAS The Corporation of the Town of Fort Erie, ^{Preamble}
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth;
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. Notwithstanding subsections 1 and 5 of section 239 <sup>Council
authorized
to grant
retirement
allowance
R.S.O. 1970,
c. 284</sup>
of *The Municipal Act*, the council of the Corporation may
grant an annual retirement allowance not to exceed the sum
of \$1,800 per annum, payable weekly, monthly or other-
wise, to a former employee of the Corporation, one Douglas
A. Eiler, employed by the Corporation or its predecessors
from the 19th day of April, 1950, until the 30th day of April,
1974, and such retirement allowance may be retroactive to
the 30th day of April, 1974.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup>
Assent.

3. This Act may be cited as *The Town of Fort Erie Act*, ^{Short title}
1976.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 7 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
Town of Fort Erie

1st Reading

April 8th, 1976

2nd Reading

April 27th, 1976

3rd Reading

April 27th, 1976

MR. HAGGERTY

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the Town of Fort Erie

MR. HAGGERTY

BILL Pr15

1976

An Act respecting the Town of Fort Erie

WHEREAS The Corporation of the Town of Fort Erie, ^{Preamble} herein called the Corporation, hereby represents that the Recreation Committee of the Town of Fort Erie, the Fort Erie Community Memorial Arena Commission and the Fort Erie Board of Park Management were constituted under *The Town of Fort Erie Act, 1952*; that it is con- ^{1952, c. 119} sidered desirable to dissolve the said Committee, Commission and Board and to vest their assets and liabilities in the Corporation and to confer on the council of the Corporation all the authority and powers exercised by such Committee, Commission and Board; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The following Committee, Commission and Board ^{Committee, etc., dissolved} of the Town of Fort Erie are hereby dissolved:

1. The Recreation Committee of the Town of Fort Erie.
2. The Fort Erie Community Memorial Arena Commission.
3. The Fort Erie Board of Parks Management.

(2) On the dissolution mentioned in subsection 1, all the ^{Assets vested in Corporation} assets and liabilities of such Committee, Commission and Board become the assets and liabilities of the Corporation, without compensation.

(3) On the dissolution mentioned in subsection 1, the ^{Employees of Board, etc., become employees of Corporation} employees of the Committee, Commission and Board shall become employees of the Corporation and all the terms and conditions of employment respecting such employees and,

without limiting the generality of the foregoing, including seniority, remuneration and other benefits in force, shall be assumed by the Corporation.

Council
deemed
committee,
etc.
1974,
cc. 120, 80

2. The council of the Corporation shall be deemed to be a recreation committee under *The Ministry of Culture and Recreation Act, 1974*, and regulations thereunder and a committee of management of a community recreation centre under *The Community Recreation Centres Act, 1974*.

Act,
repealed

3. *The Town of Fort Erie Act, 1952*, being chapter 119, is repealed.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Town of Fort Erie Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

May 7 1976

ASSEMBLY PROROGUED

December 16 1976

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY



An Act respecting the
Town of Fort Erie

1st Reading

April 8th, 1976

2nd Reading

April 27th, 1976

3rd Reading

April 27th, 1976

MR. HAGGERTY

X
BILL Pr16 *Pauline G. G. S. H.*

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the City of Windsor

MR. NEWMAN
(Windsor-Walkerville)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr16

1976

An Act respecting the City of Windsor

WHEREAS The Corporation of the City of Windsor ^{Preamble} hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section, “non-returnable container” means a ^{Interpre-} container that will not be accepted for reuse as a container by retail vendors, distributors, processors or the manufacturer or manufacturers of carbonated soft drinks nor for which, as used containers, money or money’s worth will be paid or given by retail vendors, distributors, processors or the manufacturer or manufacturers of carbonated soft drinks.

(2) The council of The Corporation of the City of Windsor ^{Prohibition} may by by-law prohibit the sale within the City of Windsor of carbonated soft drinks in non-returnable containers.

(3) Part XXI of *The Municipal Act* applies *mutatis* ^{Power to} *mutandis* to a by-law passed under this Act. ^{impose fines.}
R.S.O. 1970,
c. 284

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The City of Windsor Act, 1976*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR May 21 1976

ASSEMBLY PROROGUED December 16 1976

Redmond Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
City of Windsor

1st Reading

April 12th, 1976

2nd Reading

May 21st, 1976

3rd Reading

May 21st, 1976

MR. NEWMAN
(Windsor-Walkerville)

BILL Pr17

Pauline G. G. G. G.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting the Institute
of Professional Librarians of Ontario**

MRS. CAMPBELL

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr17

1976

An Act respecting the Institute of Professional Librarians of Ontario

WHEREAS the Institute of Professional Librarians of ^{Preamble}
 Ontario hereby represents that it was established as a
 corporation under *The Institute of Professional Librarians* ^{1962-63,}
of Ontario Act, 1962-63; that it is desirous of removing the ^{c. 182}
 limitation of \$50 on the amount of annual registration
 fees for its members as set out in the Act; and whereas
 the applicant hereby applies for special legislation for such
 purposes; and whereas it is expedient to grant the appli-
 cation;

Therefore, Her Majesty, by and with the advice and
 consent of the Legislative Assembly of the Province of
 Ontario, enacts as follows:

1. Subsections 1 and 2 of section 12 of *The Institute of* ^{s. 12 (1, 2),}
Professional Librarians of Ontario Act, 1962-63, being chapter ^{re-enacted}
 182, are repealed and the following substituted therefor:

- (1) Every member of the Institute shall, annually ^{Fees}
 on or before the 1st day of July, pay to the
 treasurer such registration fee as the by-laws
 prescribe for the year then commencing.
- (2) Where a member does not pay the prescribed fee ^{Non-payment}
 on or before the 1st day of October of the year ^{of fees}
 for which it is payable, his registration may,
 after enquiry, be suspended by the Board, but
 any registration so suspended may be reinstated
 upon payment of the fee and such fine as the
 by-laws prescribe.

2. This Act comes into force on the day it receives ^{Commence-}
 Royal Assent. ^{ment}

3. This Act may be cited as *The Institute of Professional* ^{Short title}
Librarians of Ontario Act, 1976.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 7 1976
 ASSEMBLY PROROGUED December 16 1976

Pr17

Roderick Lewis
 CLERK

An Act respecting the Institute
of Professional Librarians of Ontario

1st Reading

April 12th, 1976

2nd Reading

April 27th, 1976

3rd Reading

April 27th, 1976

MRS. CAMPBELL

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the City of Niagara Falls

MR. KERRIO

BILL Pr18

1976

An Act respecting the City of Niagara Falls

WHEREAS The Corporation of the City of Niagara Falls, ^{Preamble}
herein called the Corporation, hereby applies for special
legislation in respect of the matters hereinafter set forth;
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. In this Act, "highway" includes the sidewalk of a road ^{Interpre-}
forming part of the regional road system of The Regional ^{tation}
Municipality of Niagara, in addition to the sidewalk of a
road under the jurisdiction of the Corporation.

2. The council of the Corporation may pass by-laws ^{By-laws}
for prohibiting persons from soliciting or importuning, ^{authorized}
on a highway or in a public place, any other person on
such highway or in such public place to travel in or employ
any vehicle or vessel or to go to any motel, hotel, tourist
home, restaurant, auction, game, exhibition of wax works,
exhibition of automobiles, exhibition of natural or artificial
curiosities, exhibition of freaks of nature or any other
exhibition or display, or any theatre, show or other place for
the lodging, reception, refreshment, amusement or enter-
tainment of the public.

3. Any by-law passed under the authority of section 2 ^{Application}
may be made applicable to the whole of the City of Niagara ^{of by-law}
Falls or to one or more highways or public places named
therein or to any defined area or areas thereof.

4. Section 466 of *The Municipal Act* applies to any ^{Application}
by-law enacted pursuant to section 2. ^{of}
^{R.S.O. 1970,}
^{c. 284, s. 466}

5. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

6. This Act may be cited as *The City of Niagara Falls* ^{Short title}
Act, 1976.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 7 1976

Pr18 ASSEMBLY PROROGUED December 16 1976

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
City of Niagara Falls

1st Reading

April 12th, 1976

2nd Reading

April 27th, 1976

3rd Reading

April 27th, 1976

MR. KERRIO

BILL Pr19

1 see line by P. P. S. Hon

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the City of Hamilton

MR. DEANS

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr19

1976

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton hereby ^{Preamble}
 applies for special legislation in respect of the matters herein-
 after set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of
 the Legislative Assembly of the Province of Ontario, enacts as
 follows:

1.—(1) By-laws may be passed by the council of the City of <sup>By-laws for
 licensing air
 conditioning,
 heating and
 ventilation
 installers,
 etc.</sup>
 Hamilton:

1. For examining, licensing, regulating and governing
 air conditioning, heating, ventilation and cooling
 contractors who install air conditioning, heating,
 ventilation and cooling equipment and master in-
 stallers, and for revoking such licence.

(a) The licence fee for each year shall be,

(i) \$100 for contractors.

(ii) \$50 for master installers.

2. For examining, regulating and governing swimming
 pool contractors who install swimming pools and
 master installers and for revoking such licence.

(a) The licence fee for each year shall be,

(i) \$100 for contractors.

(ii) \$50 for master installers.

3. For examining, licensing, regulating and governing
 driveway and paving contractors who install drive-
 ways and pavement and master installers, and for
 revoking such licence.

(a) The licence fee for each year shall be,

(i) \$100 for contractors.

(ii) \$50 for master installers.

Refusal of
a licence

(2) The by-law may provide for refusing a licence where the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business for which the licence is sought will not be operated in accordance with law and with honesty and integrity.

Application
of
R.S.O. 1970,
c. 284,
Part XXI
s. 5,
amended

(3) Part XXI of *The Municipal Act* applies *mutatis mutandis* to by-laws passed under this section.

2.—(1) Section 5 of *The City of Hamilton Act, 1964*, being chapter 130, is amended by inserting after "for" in the second line "examining" and by striking out "who is not of good character" in the sixth line and inserting in lieu thereof "where the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors, affords reasonable grounds for belief that the business for which the licence is sought will not be operated in accordance with law and with honesty and integrity".

s. 5 (b),
re-enacted

(2) Clause *b* of the said section 5 is repealed and the following substituted therefor:

(b) The fee for each year shall be \$100.

Tax credit
authorized
1973, c. 154

3.—(1) The council of the City of Hamilton may pass by-laws permitting a tax credit under *The Municipal Elderly Resident's Assistance Act, 1973* to persons who are members or shareholders of a co-operative corporation incorporated under the laws of Canada or of a province of Canada for the sole purpose of providing residential units to all members or shareholders thereof.

Credit by
co-operative
corporation

(2) A by-law passed by the council under subsection 1 shall provide that the full amount of the tax credit in each year shall be credited by the co-operative corporation directly to the person in respect of whom it is granted.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The City of Hamilton Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Pr19 ASSEMBLY PROROGUED

CLERK
LEGISLATIVE ASSEMBLY

May 7 1976

December 16 1976

Roderick Lewis

An Act respecting the
City of Hamilton

1st Reading

April 12th, 1976

2nd Reading

May 4th, 1976

3rd Reading

May 4th, 1976

MR. DEANS

BILL Pr20

Pauline L. L. S. H.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the City of Ottawa

MR. MORROW

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr20

1976

An Act respecting the City of Ottawa

WHEREAS The Corporation of the City of Ottawa, ^{Preamble}
 herein called the Corporation, hereby applies for special
 legislation in respect of the matter hereinafter set forth;
 and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and
 consent of the Legislative Assembly of the Province of
 Ontario, enacts as follows:

1. By-laws may be enacted by the council of the Corporation to establish a clinic or clinics within the City of Ottawa for the spaying or neutering of cats and dogs, without cost to the owners of such animals, or upon payment to the City of such fees as may be established by the by-law. <sup>Establish-
ment of
spaying, etc.,
clinic
authorized</sup>

2. This Act comes into force on the day it receives <sup>Commence-
ment</sup>
 Royal Assent.

3. This Act may be cited as *The City of Ottawa Act*, ^{Short title}
 1976.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 7 1976
 ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
 CLERK
 LEGISLATIVE ASSEMBLY

An Act respecting
the City of Ottawa

1st Reading

April 8th, 1976

2nd Reading

April 27th, 1976

3rd Reading

April 27th, 1976

MR. MORROW

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the Dovercourt Baptist Foundation

MR. LUPUSELLA

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

BILL Pr21

1976

An Act respecting the Dovercourt Baptist Foundation

WHEREAS the Dovercourt Baptist Foundation, herein ^{Preamble}
called the Foundation, hereby represents that it was
incorporated by letters patent issued under *The Corporations R.S.O. 1970,*
Act on the 25th day of July, 1972; that the Foundation ^{c. 89}
is a registered charitable organization within the meaning
of the *Income Tax Act* (Canada); that pursuant to an ^{1970-71,}
agreement of lease between the Foundation and The Muni- ^{c. 63 (Can.)}
cipality of Metropolitan Toronto, it has acquired a leasehold
interest for a term up to ninety-nine years in lands owned
by the Metropolitan Corporation and erected buildings
thereon, and such lands and buildings have been assessed
and taxed by The Corporation of the City of Toronto;
and whereas the applicant hereby applies for special legis-
lation to exempt its real property occupied and used by it
in the City of Toronto, from municipal taxation, except for
local improvement rates; and whereas it is expedient to
grant the application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of ^{Tax}
Toronto may pass by-laws exempting from taxes for muni- ^{exemption}
cipal or school purposes, or both, other than local improve- ^{authorized}
ment rates, the land, as defined in *The Assessment Act*, ^{R.S.O. 1970,}
of the Dovercourt Baptist Foundation, provided that the land ^{c. 32}
is occupied and used solely for the purposes of the
Foundation, on such conditions as may be set out in the
by-law.

(2) The council may by by-law cancel all arrears of ^{Cancellation of}
taxes and interest or penalties thereon accruing on and ^{tax}
after the 1st day of January, 1974, levied by the City ^{arrears}
of Toronto in respect of such lands, and release the
Foundation and its property from all liability therefor.

Deemed
exemption
under
R.S.O. 1970,
c. 32, s. 3
R.S.O. 1970,
c. 295

2. For the purposes of subsection 8 of section 214 of *The Municipality of Metropolitan Toronto Act*, an exemption from taxation granted under section 1 shall be deemed to be an exemption as provided for in section 3 of *The Assessment Act*.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Dovercourt Baptist Foundation Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

ASSEMBLY PROROGUED

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
the Dovercourt Baptist Foundation

1st Reading

April 12th, 1976

2nd Reading

May 13th, 1976

3rd Reading

May 13th, 1976

MR. LUPSELLA

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting Welland Area Y.M.C.A.-Y.W.C.A.

MR. SWART

BILL Pr22

1976

**An Act respecting Welland Area
Y.M.C.A.-Y.W.C.A.**

WHEREAS Margaret Campbell, David Jones, Doug ^{Preamble}
Houghton, Lois Anderson, Donald Jarvis and Bruce
Pilgrim hereby represent that Welland Area Y.M.C.A.-
Y.W.C.A., herein called the Corporation, was incorporated
by letters patent dated the 7th day of August, 1956, as
amended by supplementary letters patent dated the 8th day
of May, 1963; that the applicants are respectively the
President, First Vice-President, Second Vice-President,
Secretary, Treasurer and Immediate Past President of the
Corporation; and whereas the applicants hereby apply for
special legislation exempting the Corporation from taxation;
and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. The buildings, lands, equipment and undertaking of ^{Tax}
the Corporation, so long as they are occupied by, used and ^{exemption}
carried on for the objects of the Corporation, shall be exempt
from property taxation except for local improvements.

2. This Act comes into force on the day it receives Royal ^{Commence-}
Assent. ^{ment}

3. This Act may be cited as *The Welland Area Y.M.C.A.-* Short title
Y.W.C.A. Act, 1976.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 23, 1976

ASSEMBLY PROROGUED December 16, 1976

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting Welland Area
Y.M.C.A.-Y.W.C.A.

1st Reading

April 1st, 1976

2nd Reading

April 14th, 1976

3rd Reading

April 14th, 1976

MR. SWART

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the Township of West Carleton

MR. YAKABUSKI

W. H. P. 1871

W. H. P. 1871

W. H. P. 1871

W. H. P. 1871

BILL Pr24

1976

An Act respecting the Township of West Carleton

WHEREAS The Corporation of the Township of West Carleton hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In the Township of West Carleton the time limited for bringing an application under clause *g* of subsection 1 of section 636*a* of *The Municipal Act*, in respect of taxes levied in the year 1975, is extended to the ninetieth day after this Act receives Royal Assent, and the time established by subsection 7 of section 636*a* relating to the hearing and disposition of any such application is extended to the 30th day of October, 1976.

Extension
of time
under
R.S.O. 1970,
c. 284,
s. 636*a*

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Township of West Carleton Act, 1976*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

May 21 1976

ASSEMBLY PROROGUED

December 16

1976

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
Township of West Carleton

1st Reading

April 12th, 1976

2nd Reading

May 21st, 1976

3rd Reading

May 21st, 1976

MR. YAKABUSKI

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the Township of Bosanquet

MR. EATON

BILL Pr25

1976

An Act respecting the Township of Bosanquet

WHEREAS The Corporation of the Township of Bosanquet, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation is hereby authorized ^{By-law authorized} to pass a by-law, without obtaining the approval of the Ontario Municipal Board, authorizing the borrowing of a sum not exceeding \$315,234.85 payable in not more than five years, for the purpose of paying the cost of certain drainage works which have been completed or are presently under construction within the said township shown in Schedule A hereto.

2. The council of the Corporation is hereby authorized ^{Idem} to pass a by-law, without obtaining the approval of the Ontario Municipal Board, authorizing the borrowing of a sum not exceeding \$21,389.41 payable in not more than five years, for the purpose of paying the cost of certain maintenance works which have been performed to existing drains within the Township of Bosanquet shown on Schedule B hereto.

3. Sections 55, 56, 57, 58, 59 and 60 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under sections 1 and 2. ^{Application of R.S.O. 1970, c. 323, ss. 55-60}

4. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing the construction mentioned in section 1, the maintenance ^{Order of O.M.B. deemed issued R.S.O. 1970, c. 323}

works mentioned in section 2 and authorizing the Corporation to borrow the moneys mentioned in sections 1 and 2.

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Township of Bosanquet Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

May 21 1976

ASSEMBLY PROROGUED

December 16 1976

Robert Lewis
CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE A

BY-LAW No.	DRAIN	COSTS TO BE FINANCED
3/76	Anderson Drain (Plympton)	\$ 2,639.59
33/75	Beith Creek Drain	33,100.00
9/75	Borthwick Drain	8,620.42
4/72	Blanchard Drain	624.71
20/74	B & C Concession Drain	3,138.47
13/73	Boris Anderson Drain	622.11
32/72	Brush Drain	759.84
17/72	Campbell, Jamieson, Hamilton, Fisher, Anderson Drain	1,905.84
3/74	Curts Drain Outlet	843.56
54/75	Defore Drain	12,500.00
23/65	Donald Romphf Drain	470.69
4/74	Dumigan Drain	13,490.17
3/72	Duffus Drain	1,132.62
35/67	Elliott Moloy Drain	658.65
22/72	Elliott Drain East	11,894.44
35/71	Frayne Drain	1,212.76
8/72	Frayne, South Boundry Drain	272.54
4/73	Goose Marsh Drain	1,725.08
38/74	Haney Drain	2,750.21
19/72	James Creek Drain	47.84
28/71	Laird Drain	836.00
44/66	Lake Smith #1 & #2 Drains	2,319.67
48/75	Lake Smith #2 Drain	32,000.00
7/73	Lampman Drain	1,639.49
15/75	McLauchlan Teetzel Drain	8,800.00
14/75	McPherson Drain (Warwick)	8,861.35
3/72	McLean Drain	339.65
21/65	North Street (Coulitis) Drain	1,246.61

BY-LAW No.	DRAIN	COSTS TO BE FINANCED
25/75	Ontario Street Drain.....	\$ 15,080.95
8/75	Plan #37 Drain.....	16,132.80
6/74	Ravenswood Drain.....	27,303.49
36/75	Sercombe Drain.....	47,200.00
43/66	Shawana Drain Outlet.....	4,576.82
32/66	Shramek and Part of B & C Drains.....	431.07
78A/75	Stubbs Drain.....	8,569.54
3/72	South Boundry, Gilliard Extension Drain....	61.62
28/74	Taylor Wilcox Drain.....	3,013.77
27/74	Trick Drain.....	18,239.00
32/69	Thompson Drain.....	786.45
20/73	Vanderberg Drain.....	447.10
43/75	Wadsworth Drain.....	12,000.00
14/73	Wells Drain.....	1,401.89
50/75	Woods Creek Drain.....	5,307.00
12/72	Woods Creek Drain.....	231.04
		<hr/>
		\$ 315,234.85

SCHEDULE B

BY-LAW No.	DRAIN	COSTS TO BE FINANCED
8/63	Lake Smith #1 Drain.....	\$ 4,521.28
53/63	Lake Smith #2 Drain.....	16,868.13
		<hr/>
		\$ 21,389.41

THE UNIVERSITY OF CHICAGO

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THE UNIVERSITY OF CHICAGO

An Act respecting the
Township of Bosanquet

1st Reading

April 12th, 1976

2nd Reading

May 21st, 1976

3rd Reading

May 21st, 1976

MR. EATON

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the City of Hamilton

MR. DEANS

BILL Pr26

1976

An Act respecting the City of Hamilton

WHEREAS The Corporation of the City of Hamilton hereby ^{Preamble} represents that Kenneth R. Elliott, the City's former appointee to The Hamilton Harbour Commissioners, issued a writ of summons on the 10th day of August, 1972, against Herman Turkstra, a member of the City of Hamilton Harbour Committee who was one of the five members of the said Committee that voted in favour of the resignation of Kenneth R. Elliott from The Hamilton Harbour Commissioners in consequence of certain allegations placed before the said Committee, following which the council of The Corporation of the City of Hamilton, on the 28th day of August, 1972, requested the said Kenneth R. Elliott to resign from The Hamilton Harbour Commissioners; and whereas legal action commenced by Kenneth R. Elliott by the writ of summons dated the 10th day of August, 1972, was discontinued by the said Kenneth R. Elliott, but costs and legal expenses of \$1,000 were incurred by the said Herman Turkstra; and whereas The Corporation of the City of Hamilton was authorized by *The City of Hamilton Act, 1973* to assume and ^{1973, c. 190} pay all costs and legal expenses as a result of a writ of summons issued on the 5th day of September, 1972 by Kenneth R. Elliott against five members of the Harbour Committee, including Herman Turkstra, who voted in favour of the resignation of Kenneth R. Elliott and whose resignation the council of The Corporation of the City of Hamilton requested as aforesaid; and whereas the said Act did not provide for the payment of the costs and expenses as a result of the earlier writ of summons issued on the 10th day of August, 1972; and whereas the costs and legal expenses of the members of the Harbour Committee, other than Herman Turkstra, in respect of the writ of summons issued on the 5th day of September, 1972, were duly taxed in the amount of \$6,569.80, which said amount was paid by The Corporation of the City of Hamilton, pursuant to the legislation aforesaid; and whereas the costs and legal expenses of Herman Turkstra, in respect of the writ of summons issued on the 5th day of September, 1972, were duly taxed in the amount of \$15,441.87 which said amount was paid by The Corporation of the City of Hamilton pursuant to the legislation aforesaid; and whereas it is considered desirable that The Corporation of the City of Hamilton assume and pay the costs and legal expenses of \$1,000 incurred by Herman Turkstra by reason of the issue of the earlier writ of summons

on the 10th day of August, 1972; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is deemed expedient to grant such application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

s. 2a,
enacted

1. *The City of Hamilton Act, 1973*, being chapter 190, is amended by adding thereto the following section:

Payment
of costs
and legal
expenses
authorized

2a. The council is hereby authorized to assume and pay the costs and legal expenses incurred by former member of the Harbour Committee, Herman Turkstra, in the amount of \$1,000 by reason of the issue of a writ of summons on the 10th day of August, 1972.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The City of Hamilton Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 7 1976

ASSEMBLY PROROGUED December 16 1976

Robert G. Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act respecting the
City of Hamilton

1st Reading

April 12th, 1976

2nd Reading

May 4th, 1976

3rd Reading

May 4th, 1976

MR. DEANS

BILL 1

Pauline G. G. G. G.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Arbitrations Act

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 1

1976

An Act to amend The Arbitrations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 18 of *The Arbitrations Act*, being chapter 25 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 28, section 2, is further amended by inserting after "fee" in the seventh line "than that agreed upon, or in default of agreement". ^{s. 18, amended}
2. Subsection 2 of section 31 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 28, section 4, is amended by adding at the end thereof "in default of agreement". ^{s. 31 (2), amended}
3. This Act shall be deemed to have come into force on the 1st day of September, 1971. <sup>Commence-
ment</sup>
4. This Act may be cited as *The Arbitrations Amendment Act*, Short title 1976.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis

CLERK

LEGISLATIVE ASSEMBLY

An Act to amend
The Arbitrations Act

1st Reading

March 9th, 1976

2nd Reading

April 6th, 1976

3rd Reading

April 13th, 1976

THE HON. R. McMURTRY
Attorney General

BILL 2

Pauline G. G. S. H.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting The Kirkland Lake Board of
Education and Teachers Dispute**

THE HON. T. L. WELLS
Minister of Education

TORONTO

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BILL 2

1976

An Act respecting The Kirkland Lake Board of Education and Teachers Dispute

WHEREAS The Kirkland Lake Board of Education and Preamble
its secondary school teachers have been negotiating terms and conditions of employment; and whereas a strike by the secondary school teachers against the board of education has continued since the 12th day of January, 1976; and whereas the board of education and its secondary school teachers have been unable to make an agreement as to terms and conditions of employment; and whereas the Commission has advised the Lieutenant Governor in Council that, in the opinion of the Commission, the continuance of the strike will place in jeopardy the successful completion of courses of study by the students affected; and whereas the public interest, and in particular the interests of students, requires that the secondary school teachers return to and resume their duties and that means be found for the settlement of the matters in dispute between the board of education and its secondary school teachers;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "arbitrator" means the arbitrator appointed under this Act;
- (b) "board" means The Kirkland Lake Board of Education;
- (c) "branch affiliate" means the organization composed of all the teachers employed by the board who are members of The Ontario Secondary School Teachers' Federation;
- (d) "Commission" means the Education Relations Com-

mission established under *The School Boards and Teachers Collective Negotiations Act, 1975*.

(e) "lock-out" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;

(f) "parties" means the board and the branch affiliate;

(g) "strike" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;

(h) "teachers" means the secondary school teachers employed on permanent or probationary contracts by the board.

Resumption
of
employment
and
operation
of schools

2.—(1) The teachers who are on strike against the board shall, on the first Monday following the day this Act comes into force, return to and resume their duties in accordance with their contracts of employment and written collective understandings in effect on the 31st day of August, 1975 with the board and the board shall, on the first Monday following the day this Act comes into force, resume the employment of such teachers in accordance with such contracts and written collective understandings and resume the normal operation of the school in which the teachers are employed.

Strike or
lock-out

(2) During the period from and including the first Monday after the day this Act comes into force until the day an agreement that includes the decision of the arbitrator comes into effect, no teacher shall take part in a strike against the board and the board shall not lock out a teacher.

Instructional
days

(3) During the period from and including the first Monday after the day this Act comes into force to and including the 30th day of June, 1976 and notwithstanding Ontario Regulation 546/73 but only in relation to the teachers to whom this Act applies, the days designated by the board as professional activity days pursuant to Ontario Regulation 546/73 shall not be professional activity days but shall be instructional days within the meaning of that regulation.

Exception

(4) Nothing in this Act precludes a teacher from not returning to and resuming his duties with the board for reasons of health or by mutual consent in writing of the teacher and the board.

Arbitration

3.—(1) The parties shall be deemed to have agreed to refer all matters remaining in dispute between them that

may be provided for in an agreement under *The School Boards and Teachers Collective Negotiations Act, 1975* to an arbitrator for determination under and in accordance with Part IV of that Act. 1975, c. 72

(2) The Lieutenant Governor in Council shall forthwith after this Act comes into force appoint the arbitrator referred to in subsection 1. Appointment of arbitrator

(3) The arbitrator shall be paid by the Province of Ontario such remuneration and expenses as the Lieutenant Governor in Council determines and the expenses of a party in relation to the arbitration shall be borne by the party. Costs of arbitration

(4) The parties shall each give written notice to the arbitrator within seven days after the day this Act comes into force setting out all the matters the parties have agreed upon for inclusion in an agreement and all the matters remaining in dispute between the parties, and the notice shall be deemed to be notice to the Commission in accordance with subsection 1 of section 29 of *The School Boards and Teachers Collective Negotiations Act, 1975*. Notices of matters remaining in dispute

(5) The arbitrator upon receipt of a notice shall examine into and decide all matters that are in dispute between the parties as evidenced by the notices referred to in subsection 4 and any other matters that appear to him to be necessary to be decided in order to make a decision. Procedure

(6) Except as otherwise provided in this Act, *The School Boards and Teachers Collective Negotiations Act, 1975* applies to the arbitrator, to the proceedings conducted before him, to the parties and to the teachers. Application of 1975, c. 72

4.—(1) Notwithstanding subsection 1 of section 51 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the agreement giving effect to all matters agreed upon by the parties and the decision of the arbitrator shall be for the period commencing on the 1st day of September, 1975 and expiring on the 31st day of August, 1977. Term of agreement

(2) Notwithstanding subsection 1 of section 36 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the arbitrator shall complete the consideration of all matters in dispute between the parties and shall report in writing his decision on the matters to the parties and to the Commission within thirty days after his appointment as arbitrator or within such longer period of time as may be provided in writing by the arbitrator and consented to by the Commission. Time for report of arbitrator

Offences

5.—(1) Every teacher or party that contravenes any provision of this Act is guilty of an offence.

Idem
1975, c. 72

(2) The provisions of *The School Boards and Teachers Collective Negotiations Act, 1975*, respecting offences and penalties and the procedures relating thereto apply in respect of a contravention of any provision of this Act.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Kirkland Lake Board of Education and Teachers Dispute Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR March 11 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
The Kirkland Lake Board of Education
and Teachers Dispute

1st Reading

March 10th, 1976

2nd Reading

March 11th, 1976

3rd Reading

March 11th, 1976

THE HON. T. L. WELLS
Minister of Education

BILL 3

Revised by G. L. S. H.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Representation Act, 1975

THE HON. R. WELCH
Minister of Culture and Recreation

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 3

1976

An Act to amend The Representation Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Schedule to *The Representation Act, 1975*, being chapter 13, is amended by renaming THE ELECTORAL DISTRICT OF DURHAM NORTH as THE ELECTORAL DISTRICT OF DURHAM-YORK and by renaming THE ELECTORAL DISTRICT OF WELLAND as THE ELECTORAL DISTRICT OF WELLAND-THOROLD. Schedule,
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Representation Amendment Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976
 ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
 CLERK
 LEGISLATIVE ASSEMBLY

An Act to amend
The Representation Act, 1975

1st Reading

March 10th, 1976

2nd Reading

April 6th, 1976

3rd Reading

April 6th, 1976

THE HON. R. WELCH
Minister of Culture and Recreation

BILL 5

Pauline P. P. L. L. L.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting Members of Commodity Boards

THE HON. W. NEWMAN
Minister of Agriculture and Food

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 5

1976

An Act respecting Members of Commodity Boards

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

- (a) "commodity board" means a local board under *The Farm Products Marketing Act* or a marketing board under *The Milk Act*; R.S.O. 1970,
cc. 162, 273
- (b) "plan" means a plan under *The Farm Products Marketing Act* or under *The Milk Act*;
- (c) "producer" means a person who is a producer under a plan;
- (d) "senior officer" means the chairman or any vice-chairman of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any such office;
- (e) "Tribunal" means, in the case of a matter relating to a local board under *The Farm Products Marketing Act*, The Farm Products Marketing Board and, in the case of a matter relating to a marketing board under *The Milk Act*, The Milk Commission of Ontario.

(2) For the purposes of this Act, a member of a commodity board shall be deemed to have a controlling interest in a corporation if he beneficially owns, directly or indirectly, or exercises control or direction over, equity shares of the corporation carrying more than 10 per cent of the voting

When
member
deemed
to have
controlling
interest in
corporation

rights attached to all equity shares of the corporation for the time being outstanding.

Prohibition
against
being
member of
commodity
board

R.S.O. 1970,
cc. 162, 273

2.—(1) No person shall become or continue to be a member of a commodity board while he, or a person with whom he is in partnership, or a corporation of which he is a senior officer or in which he has a controlling interest, is in contravention of *The Farm Products Marketing Act* or *The Milk Act* or any regulation or order thereunder in respect of the plan administered by the commodity board.

Idem

(2) Where a plan prescribes qualifications for a person to be elected or appointed a member of a commodity board, no person who does not conform with such qualifications shall assume office as a member of such commodity board, and, where a plan prescribes qualifications for a member of a commodity board to continue to be a member, no member of such commodity board shall continue to be a member where he has ceased to conform with such qualifications.

Who may
try
alleged
contra-
vention of
subs. 1 or
2 of s. 2

3. The question of whether or not a member of a commodity board has contravened subsection 1 or 2 of section 2 may be tried and determined by the Tribunal having jurisdiction over that commodity board.

Applica-
tion to
Tribunal

4.—(1) Subject to subsections 3 and 4, a producer or a commodity board may, where it comes to his or its knowledge that a member of the commodity board may have contravened subsection 1 or 2 of section 2, apply to the proper Tribunal by notice in writing for a determination of the question of whether or not the member has contravened subsection 1 or 2 of section 2.

Contents
of
notice

(2) The applicant shall state in his or its notice the grounds for finding a contravention by the member of a commodity board of subsection 1 or 2 of section 2.

Time for
bringing
application
limited

(3) No application shall be brought under subsection 1 after the expiration of the term of office of the member of the commodity board during which the contravention is alleged to have occurred.

Who may
bring
application

(4) No application by a producer shall be brought other than by a producer under the plan administered by the commodity board in respect of which the application is made.

Tribunal
may
declare
seat
vacant
and
disqualify
member

5.—(1) Where the Tribunal determines, after a hearing, that a member of a commodity board has contravened

subsection 1 or 2 of section 2, it may, subject to subsections 2 and 3 of this section, declare the seat of the member vacant and may disqualify him from being a member of the commodity board during a period thereafter of not more than seven years.

(2) Where a Tribunal determines that a member of a commodity board has contravened subsection 1 of section 2 and finds that the contravention was committed through inadvertence, the member is, notwithstanding subsection 1 of section 2, not subject to having his seat declared vacant or to being disqualified as a member, as provided by subsection 1. Exception

(3) The Tribunal may require, as a condition to the holding of a hearing under subsection 1, that the applicant pay a deposit not exceeding \$300 and the Tribunal shall refund the deposit to the applicant where the Tribunal declares the seat of the member vacant and the deposit may otherwise be forfeited to the Treasurer of Ontario. Deposit as condition to holding of hearing

(4) Where the provisions of a plan do not provide any means of electing or appointing a person to complete the term of office of a member whose seat is declared vacant under this section, the Tribunal may, by order, prescribe a method of electing or appointing a person to complete the term of office and *The Regulations Act* does not apply to such an order. Appointment of person to complete term of office
R.S.O. 1970, c. 410

(5) *The Statutory Powers Procedure Act, 1971* applies to any hearing held under subsection 1. Application of 1971, c. 47

6. Where the number of members of a local board who cease to be members by reason of the operation of this Act is such that, at any meeting, the remaining members are not of sufficient number to constitute a quorum, then, notwithstanding any general or special Act, the remaining number of members shall be deemed to constitute a quorum, provided such number is not less than two. Quorum

7. In the event of any conflict between any provision of this Act and any provision of any general or special Act, the provision of this Act prevails. Conflict

8. This Act comes into force on the day it receives Royal Assent. Commencement

9. This Act may be cited as *The Commodity Board Members Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK

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An Act respecting
Members of Commodity Boards

1st Reading

March 10th, 1976

2nd Reading

April 6th, 1976

3rd Reading

April 13th, 1976

THE HON. W. NEWMAN
Minister of Agriculture and Food

BILL 6

Pauline P. P. S. Klein

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Drainage Act, 1975

THE HON. W. NEWMAN
Minister of Agriculture and Food

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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THE UNIVERSITY OF CHICAGO



BILL 6

1976

An Act to amend The Drainage Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 4 of *The Drainage Act, 1975*, being ^{s. 4 (5), amended} chapter 79, is amended by striking out "and only one such person may sign the petition" in the third and fourth lines.
- 2.—(1) Subsection 3 of section 101 of the said Act is repealed ^{s. 101 (3), re-enacted} and the following substituted therefor:
 - (3) The referee or an acting referee shall be a justice of ^{Appointment of referee} the Supreme Court, a judge of a county court or a barrister of at least ten years standing at the bar of Ontario.
 - (2) The said section 101 is amended by adding thereto the ^{s. 101, amended} following subsection:
 - (5) No referee or acting referee shall practise as a solicitor ^{Referee not to practise under Act} or barrister in any matter arising under this Act or act as legal agent or adviser in any such matter.
3. This Act comes into force on a day to be named by proclamation ^{Commencement} of the Lieutenant Governor.
4. This Act may be cited as *The Drainage Amendment Act, 1976*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Drainage Act, 1975

1st Reading

March 10th, 1976

2nd Reading

April 6th, 1976

3rd Reading

April 13th, 1976

THE HON. W. NEWMAN
Minister of Agriculture and Food

BILL

Hamilton Ry. by S. W.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Territorial Division Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

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BILL 7

1976

An Act to amend The Territorial Division Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 8 of *The Territorial Division Act*, ^{s. 8 (2),} being chapter 458 of the Revised Statutes of Ontario, 1970, ^{re-enacted} as re-enacted by the Statutes of Ontario, 1974, chapter 9, section 4, is repealed and the following substituted therefor:

(2) Subsection 1 does not apply to that part of Ontario ^{Exception} at the head of Lake Ontario lying west of the east boundary of The Municipality of Metropolitan Toronto, but in that part the limits of all local municipalities on either side of the Lake extend to the following described line:

Commencing at a point where the east boundary of The Municipality of Metropolitan Toronto meets the International Boundary; thence westerly along the line of the International Boundary to the point of its angle southerly; thence westerly in a straight line to and along the centre line of the Burlington Canal to its point of entry into Hamilton Harbour.

2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
^{ment}
3. This Act may be cited as *The Territorial Division Amendment Act, 1976*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Territorial Division Act

1st Reading

March 10th, 1976

2nd Reading

April 6th, 1976

3rd Reading

April 6th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 8

Pauline G. G. G. G.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Local Improvement Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

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BILL 8

1976

An Act to amend The Local Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 65 of *The Local Improvement Act*, being chapter 255 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following subsection:

s. 65.
amended

(10) Where a by-law under section 70 is not in effect in a municipality, the council may, by by-law, provide that the owners' portion of the cost in respect of any work or service undertaken under this section be assumed by the corporation and thereafter such costs shall form part of the corporation's portion of the cost of such work or service.

Corporation
may assume
owners'
portion of
cost

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Local Improvement Amendment Act, 1976*.

Commence-
ment

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Local Improvement Act

1st Reading

March 10th, 1976

2nd Reading

April 6th, 1976

3rd Reading

April 6th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend The Niagara Escarpment
Planning and Development Act, 1973**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 9

1976

An Act to amend The Niagara Escarpment Planning and Development Act, 1973

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Niagara Escarpment Planning and Development Act, 1973*, being chapter 52, is repealed and the following substituted therefor:

s. 1 (c),
re-enacted

(c) "Minister" means the Provincial Secretary for Resources Development.

- 2.—(1) Subsection 5 of section 5 of the said Act is amended by adding at the end thereof "and may designate the chairman as an employee and the Commission as an employer for the purpose of *The Ontario Municipal Employees Retirement System Act*".

s. 5 (5),
amended

- (2) The said section 5 is amended by adding thereto the following subsections:

s. 5,
amended

(11) The Commission is a body corporate without share capital.

Commission
is body
corporate

(12) *The Corporations Act* does not apply to the Commission.

R.S.O. 1970,
c. 89,
not to apply

3. Clause *a* of subsection 2 of section 22*a* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 52, section 3, is repealed and the following substituted therefor:

s. 22*a*(2)(*a*),
re-enacted

- (*a*) providing that where an area of development control is designated, such zoning by-laws and such orders of the Minister made under section 32 of *The Planning Act*, or any part thereof, as are designated in the regulation, cease to have effect in the area or in any defined part thereof provided that where land is

R.S.O. 1970,
c. 349

removed from an area of development control such land is thereupon subject again to the aforementioned by-laws or orders or parts thereof, as the case may be, unless in the meantime such by-laws or orders or parts thereof have been repealed or revoked.

s. 23 (1),
re-enacted

4. Subsection 1 of section 23 of the said Act is repealed and the following substituted therefor:

Development
permits

(1) Notwithstanding any other general or special Act, where an area of development control is established by regulation made under section 22, no person shall undertake any development in the area unless such development is exempt under the regulations or unless a development permit is issued by the Minister in respect of the development, or where the Minister has under section 24 delegated his authority to the Commission or to a county or to a regional municipality or to a city outside a regional municipality, a development permit is issued by the Commission or by the county or regional municipality, or city, as the case may be.

Commence-
ment

- 5.—(1) This Act, except section 3, comes into force on the day it receives Royal Assent.

Idem

- (2) Section 3 shall be deemed to have come into force on the 10th day of June, 1975.

Short title

6. This Act may be cited as *The Niagara Escarpment Planning and Development Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 21 1976

ASSEMBLY PROROGUED December 16 1976

Robert Lewis
CLERK
LEGISLATIVE ASSEMBLY





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An Act to amend
The Niagara Escarpment Planning
and Development Act, 1973

1st Reading

March 10th, 1976

2nd Reading

April 8th, 1976

3rd Reading

May 20th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 10

Pauline G. G. G. G.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Gift Tax Act, 1972

THE HON. A. K. MEEN
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Gift Tax Act, 1972

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *i* of subsection 1 of section 10 of *The Gift Tax Act, 1972*, being chapter 12, as enacted by the Statutes of Ontario, 1975, chapter 15, section 1, is repealed and the following substituted therefor: s. 10 (1) (i),
re-enacted

- (i) absolute and indefeasible gifts, except gifts made by the creation of a settlement or by the transfer of property to a trust, of shares of a small active business corporation given on or after the 1st day of January, 1975 by a donor to a person or persons resident in Ontario and connected with the donor by blood relationship, marriage or adoption, but no gifts are exempt from tax by virtue of this clause to the extent that the aggregate value of all such gifts of shares of a small active business corporation or of its assets made during the lifetime of the donor and claimed as an exemption or deduction under this clause and clause *h* exceeds \$75,000.

- (2) Subsection 1 of the said section 10, as amended by the Statutes of Ontario, 1973, chapter 165, section 2 and 1975, chapter 15, section 1, is further amended by adding thereto the following clause: s. 10 (1),
amended

- (k) contributions made by a donor in accordance with *The Election Finances Reform Act, 1975*. 1975, c. 12

2. Section 18 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 15, section 3, is further amended by adding thereto the following subsection: s. 18,
amended

- (3) Subject to subsection 2, no person is required to file a return under this section or to pay tax on the value of the property that comprises a gift made by the deceased prior to his death, the value of which gift is required to be Return not
required
where value
included
under
R.S.O. 1970,
c. 449

and in fact has been included in the computation of the aggregate and dutiable value under *The Succession Duty Act*.

Commence-
ment

3.—(1) This Act, except subsection 2 of section 1, comes into force on the day it receives Royal Assent.

Idem

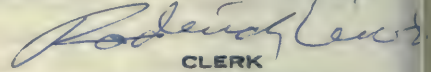
(2) Subsection 2 of section 1 shall be deemed to have come into force at 3.00 o'clock in the afternoon on the 13th day of February, 1975.

Short title

4. This Act may be cited as *The Gift Tax Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976


CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Gift Tax Act, 1972

1st Reading

March 10th, 1976

2nd Reading

April 8th, 1976

3rd Reading

April 8th, 1976

THE HON. A. K. MEEN
Minister of Revenue

BILL 11

Pauline L. L. S. Hon

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Income Tax Act

THE HON. A. K. MEEN
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 11

1976

An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subclause i of clause *b* of subsection 6 of section 3 <sup>s. 3 (6) (b) (1),
amended</sup> of *The Income Tax Act*, being chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 1, section 3, is amended by striking out “no businesses were carried on by him” in the tenth and eleventh lines and by adding thereto the following sub-subclauses:

(C) no businesses were carried on by him in that country, and

(D) no amount was deducted under subsection 5 of section 91 of the Federal Act in computing his income for the year,

- (2) Subclause ii of clause *b* of subsection 6 of the said section 3 is amended by striking out “or 113” in the eleventh line. <sup>s. 3 (6) (b) (11),
amended</sup>

2. Section 6*a* of the said Act, as re-enacted by the Statutes of Ontario, 1975, chapter 16, section 2, is repealed and the following substituted therefor: <sup>s. 6*a*,
re-enacted</sup>

6*a*. Where the taxable income of an individual for a taxation year does not exceed \$1,534 or such other amount as is prescribed for a particular taxation year, no tax is payable under this Act by the individual for the taxation year. ^{No tax payable in certain cases}

s. 6*b* (10),
re-enacted

3. Subsection 10 of section 6*b* of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 91, section 2, is repealed and the following substituted therefor:

Where no
deduction
may be made

(10) For the purposes of this section,

- (a) where an individual or someone on his behalf is entitled to file returns under the Federal Act in respect of the individual's income for more than one taxation year ending in the same calendar year, the deduction to which the individual may be entitled under subsections 2 and 4*a* may be claimed only with respect to that taxation year that ends on or next before the last day of the calendar year;
- (b) no deduction under subsections 2 and 4*a* may be claimed in a return,
 - (i) filed pursuant to an election made under the provisions of subsection 2 of section 70, subsection 23 of section 104, or subsection 4 of section 150 of the Federal Act, or
 - (ii) filed on behalf of an individual by a trustee in bankruptcy pursuant to the provisions of paragraph *e* or *h* of subsection 2 of section 128 of the Federal Act;

and

- (c) notwithstanding clause *a*, where an individual is entitled to file returns under the Federal Act in respect of more than one taxation year ending in the same calendar year, the individual, with respect to the taxation year ending on or next before the last day of the calendar year may,
 - (i) in computing the amount of the tax credit described in clause *a* of subsection 2, determine his occupancy cost to be the amount that would be his occupancy cost for the whole of that calendar year excluding any portion of that occupancy cost so determined that has been taken into account by the spouse of that individual in computing the amount of the tax credit described in clause *a* of subsection 2 for that calendar year, and
 - (ii) compute the deduction to which he is entitled under subsection 4*a* as though the expression

"the calendar year" were substituted for
 "the taxation year" where it first appears
 in that subsection.

- 4.—(1) This Act, except section 1, shall be deemed to have ^{Commence-}
 come into force on the 1st day of January, 1976 ^{ment}
 and to apply to the 1976 and subsequent taxation years.
- (2) Section 1 shall be deemed to have come into force on the ^{Idem}
 1st day of January, 1974 and to apply to the 1974 and
 subsequent taxation years.
5. This Act may be cited as *The Income Tax Amendment* Short title
Act, 1976.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976


 CLERK
 LEGISLATIVE ASSEMBLY

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An Act to amend
The Income Tax Act

1st Reading

March 10th, 1976

2nd Reading

April 8th, 1976

3rd Reading

April 8th, 1976

THE HON. A. K. MEEN
Minister of Revenue

BILL 12

Pauline L. P. Gibson

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to repeal The Emergency Measures Act

THE HON. JOHN P. MACBETH
Solicitor General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 12

1976

An Act to repeal The Emergency Measures Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Emergency Measures Act*, being chapter 145 of the R.S.O. 1970, c. 145; Revised Statutes of Ontario, 1970 and section 94 of *The 1972, c. 1, s. 94,* Government Reorganization Act, 1972, being chapter 1, are repealed.
2. This Act comes into force on the day it receives Royal Commence- Assent.ment
3. This Act may be cited as *The Emergency Measures Repeal Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to repeal
The Emergency Measures Act

1st Reading

March 10th, 1976

2nd Reading

April 9th, 1976

3rd Reading

April 9th, 1976

THE HON. JOHN P. MACBETH
Solicitor General

BILL 13

Pauline G. G. G. G.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to provide for
Certain Rights for Blind Persons**

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 13

1976

An Act to provide for Certain Rights for Blind Persons

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpre-
tation

(a) "blind person" means a person who because of blindness is dependent on a dog guide or white cane;

(b) "dog guide" means a dog trained as a guide for a blind person and having the qualifications prescribed by the regulations.

(2) This Act applies notwithstanding any other Act or any regulation, by-law or rule made thereunder.

Application

(3) This Act binds the Crown.

Act binds
Crown

2.—(1) No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall,

Dog guides
permitted
in places
to which
public
admitted

(a) deny to any person the accommodation, services or facilities available in any place to which the public is customarily admitted; or

(b) discriminate against any person with respect to the accommodation, services or facilities available in any place to which the public is customarily admitted, or the charges for the use thereof,

for the reason that he is a blind person accompanied by a dog guide.

(2) No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall,

Dog guides
permitted
in self-
contained
dwelling
unit

- (a) deny to any person occupancy of any self-contained dwelling unit; or
- (b) discriminate against any person with respect to any term or condition of occupancy of any self-contained dwelling unit,

for the reason that he is a blind person keeping or customarily accompanied by a dog guide.

Other facilities

(3) Nothing in this section shall be construed to entitle a blind person to require any service, facility or accommodation in respect of a dog guide other than the right to be accompanied by the dog guide.

Restriction on use of white cane

3. No person, other than a blind person, shall carry or use a cane or walking stick, the major part of which is white, in any public place, public thoroughfare or public conveyance.

Identification cards

4.—(1) The Attorney General or an officer of his Ministry designated by him in writing may, upon application therefor, issue to a blind person an identification card identifying the blind person and his dog guide.

Cards as *prima facie* proof of qualification

(2) An identification card issued under subsection 1 is *prima facie* proof that the blind person and his dog guide identified therein are qualified for the purposes of this Act.

Surrender of cards

(3) Any person to whom an identification card is issued under subsection 1 shall, upon the request of the Attorney General or an officer of his Ministry designated by him in writing, surrender his identification card for amendment or cancellation.

Regulations

5. The Lieutenant Governor in Council may make regulations prescribing qualifications for dog guides.

Penalty

6.—(1) Every person who is in contravention of section 2 is guilty of an offence and on summary conviction is liable to a fine not exceeding \$1,000.

Idem

(2) Every person who is in contravention of section 3 or of subsection 3 of section 4 or who, not being a blind person, purports to be a blind person for the purpose of claiming the benefit of this Act is guilty of an offence and on summary conviction is liable to a fine not exceeding \$100.

Repeal

7. *The White Cane Act*, being chapter 496 of the Revised Statutes of Ontario, 1970, is repealed.

8. This Act comes into force on the 1st day of July, ^{Commence-}
1976. _{ment}

9. This Act may be cited as *The Blind Persons' Rights* Short title
Act, 1976.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to provide for
Certain Rights for Blind Persons

1st Reading

March 10th, 1976

2nd Reading

April 9th, 1976

3rd Reading

April 13th, 1976

THE HON. R. MCMURTRY
Attorney General

BILL 14

Lawrence G. G. H.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The County Judges Act

THE HON. R. MCMURTRY
Attorney General

TORONTO

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BILL 14

1976

An Act to amend The County Judges Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The County Judges Act*, being chapter 95 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section: Section 4a,
enacted

4a.—(1) For each office of judge or junior judge of the county and district courts of the counties and districts of Ontario there shall be the additional office of supernumerary judge held by a judge or junior judge of such court who has elected under the *Judges Act* (Canada) to hold office only as a supernumerary judge of that court. Super-
numerary
judges

R.S.C. 1970,
c. J-1

(2) Any reference in this or any other Act or in a regulation to a judge or junior judge includes a supernumerary judge. Jurisdiction

2. Subsection 2 of section 5 of the said Act is amended by striking out "and junior judges" in the first line and inserting in lieu thereof "junior judges and supernumerary judges". s. 5 (2),
amended

3. Section 18 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 136, section 5, is amended by inserting after "court" in the second line "or elects to hold office only as a supernumerary judge". s. 18,
amended

4. This Act comes into force on the day it receives Royal Assent. Commence-
ment

5. This Act may be cited as *The County Judges Amendment Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976

Robert Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The County Judges Act

1st Reading

March 10th, 1976

2nd Reading

April 9th, 1976

3rd Reading

April 13th, 1976

THE HON. R. MCMURTRY
Attorney General

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Judicature Act

THE HON. R. MCMURTRY
Attorney General

BILL 15

1976

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act*, being s. 5 (1), chapter 228 of the Revised Statutes of Ontario, 1970, is amended by striking out "thirty-one" in the third line and inserting in lieu thereof "thirty-six". ^{amended}
- 2.—(1) Subsection 2 of section 11 of the said Act is amended s. 11 (2), by inserting after "Appeal" in the second line "or ^{amended} Divisional Court".
 - (2) Subsection 3 of the said section 11 is amended by inserting s. 11 (3), after "Appeal" in the third line "or Divisional Court". ^{amended}
 - (3) Subsection 4 of the said section 11 is amended by inserting s. 11 (4), after "Appeal" in the second line "or Divisional Court". ^{amended}
3. The said Act is amended by adding thereto the following s. 42a, section: ^{enacted}

42a. In any cause or matter pending before the Divisional Court, any direction incidental to it not involving the decision of the appeal may be given by a judge of that court, and a judge of that court may, during vacation, make any interim order that he thinks fit to prevent prejudice to the claim of any of the parties pending an appeal, but every such order is subject to appeal to the Divisional Court. ^{Power of judge of Divisional Court}
- 4.—(1) This Act, except section 3, comes into force on the day ^{Commence-} it receives Royal Assent. ^{ment}
 - (2) Section 3 comes into force on a day to be named by ^{Idem} proclamation of the Lieutenant Governor.
5. This Act may be cited as *The Judicature Amendment Act*, Short title 1976.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

15 ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK

Bill 15
An Act to amend
The Judicature Act

1st Reading

March 10th, 1976

2nd Reading

April 9th, 1976

3rd Reading

April 9th, 1976

THE HON. R. MCMURTRY
Attorney General

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Evidence Act

THE HON. R. MCMURTRY
Attorney General

BILL 16

1976

An Act to amend The Evidence Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Evidence Act*, being chapter 151 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

47a. An affidavit or declaration is not inadmissible or unusable in evidence in an action for the reason only that it is made before the solicitor of a party to the action or before the partner, associate, clerk or agent of such solicitor.

s. 47a,
enacted

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The Evidence Amendment Act, 1976*.

Commence-
ment

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Evidence Act

1st Reading

March 10th, 1976

2nd Reading

April 9th, 1976

3rd Reading

April 9th, 1976

THE HON. R. MCMURTRY
Attorney General

S. Pauline H. H. H.
BILL 17

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Surrogate Courts Act

THE HON. R. MCMURTRY
Attorney General

TORONTO

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1870

1870

1870

1870

BILL 17

1976

An Act to amend The Surrogate Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 8 of *The Surrogate Courts Act*, ^{s. 8 (4),} repealed being chapter 451 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971 (2nd Session), chapter 16, section 1, is repealed.
2. This Act comes into force on the 31st day of March, 1976. Commence-
ment
3. This Act may be cited as *The Surrogate Courts Amendment Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 19 76

ASSEMBLY PROROGUED December 16 19 76

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Surrogate Courts Act

1st Reading

March 10th, 1976

2nd Reading

April 9th, 1976

3rd Reading

April 9th, 1976

THE HON. R. McMurtry
Attorney General

BILL 18

1 sent. in Rep. by G. D. Hon

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Public Authorities Protection Act**

THE HON. R. MCMURTRY
Attorney General

TORONTO

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Footnote or concluding text at the bottom of the page.

BILL 18

1976

An Act to amend The Public Authorities Protection Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 11 of *The Public Authorities Protection Act*, ^{s. 11, amended} being chapter 374 of the Revised Statutes of Ontario, 1970, is amended by striking out “act, neglect or default complained of” in the sixth and seventh lines and inserting in lieu thereof “cause of action arose”.
- (2) The said section 11 is further amended by adding ^{s. 11, amended} thereto the following subsection:
 - (2) Subsection 1 does not apply to an action, prosecution ^{Application of subs. 1} or proceeding against,
 - (a) a sheriff for an act, neglect or default in certifying as to a writ of execution that binds land; or
 - (b) a land registrar for an act, neglect or default in connection with his duties under *The Registry Act* ^{R.S.O. 1970, cc. 409, 234} and *The Land Titles Act*.
2. Section 1 applies in respect of causes of action arising before ^{Application of s. 1} or after this Act comes into force.
3. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
4. This Act may be cited as *The Public Authorities Protection Amendment Act, 1976*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976


CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Public Authorities Protection Act

1st Reading

March 10th, 1976

2nd Reading

April 9th, 1976

3rd Reading

April 9th, 1976

THE HON. R. McMURTRY
Attorney General

Pauline L. L. L.
BILL 25

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Highway Traffic Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 25

1976

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 7b of subsection 1 of section 1 of *The Highway Traffic Act*, being chapter 202 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 167, section 1, is repealed and the following substituted therefor:

s. 1 (1),
par. 7b,
re-enacted

7b. "driver's licence" means a licence issued under section 13 or 16 to drive a motor vehicle on a highway.

2. Section 15a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 123, section 4, is amended by adding thereto the following subsection:

s. 15a,
amended

(2) Notwithstanding clause e of subsection 1, a person may hold a second driver's licence where the second licence is issued solely to permit the licensee to obtain experience in the driving of a motorcycle for the purpose of qualifying for a driver's licence which authorizes him to drive a motorcycle.

Second
driver's
licence
permitted

3. Section 20 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 123, section 6, is repealed and the following substituted therefor:

s. 20,
re-enacted

20.—(1) The driver's licence of a person who is convicted of an offence under section 203, 204 or 219 of the *Criminal Code* (Canada) committed by means of a motor vehicle as defined in this Act or of an offence under section 233, 234, 234.1, 235 or 236 of the *Criminal Code* (Canada) committed while driving or having the care or control of a motor vehicle as defined in this Act is thereupon and hereby suspended for a period of,

Suspension
on conviction
for certain
offences
R.S.C. 1970,
c. C-34

(a) upon the first conviction, three months; and

(b) upon a subsequent conviction, six months,

provided that where an order has been made before the 26th day of April, 1976 under subsection 1 of section 238 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

R.S.C. 1970,
c. C-34

Subsequent
offence
within five-
year period

(2) Where a person who has previously been convicted of an offence mentioned in subsection 1 is convicted of the same or any other offence mentioned in subsection 1 within five years after the date of the previous conviction, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purpose of clause *b* of subsection 1.

Order
extending
suspension

(3) Where the court or judge, as the case may be, making the conviction referred to in subsection 1 considers it to be desirable for the protection of the public using the highways, the court or judge may make an order extending the suspension of the licence,

(a) for any period in addition to the period specified in subsection 1 that the court or judge considers proper, if the person is liable to imprisonment for life in respect of the offence; or

(b) for any period in addition to the period specified in subsection 1 that the court or judge considers proper but not exceeding three years, if the person is not liable to imprisonment for life in respect of the offence.

Order for
discharge

(4) Where a person pleads guilty to or is found guilty of an offence referred to in subsection 1 and an order directing that the accused be discharged is made under section 234, 236 or 662.1 of the *Criminal Code* (Canada), this section applies in the same manner as if the person were convicted of the offence.

Appeal

(5) An appeal may be taken from an order for additional suspension made under subsection 3 and the provisions of the *Criminal Code* (Canada) applying to an appeal from the conviction referred to in subsection 1 apply in respect of an appeal from an order made under subsection 3.

Stay of
order on
appeal

(6) Where an appeal is taken under subsection 5, the court being appealed to may direct that the order being appealed

from shall be stayed pending the final disposition of the appeal or until otherwise ordered by that court.

4. Section 24 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 45, section 12, is repealed and the following substituted therefor:

24.—(1) The licence of a person who is convicted of an offence under subsection 3 of section 238 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of six months in addition to any other period for which the licence is suspended, and consecutively thereto.

s. 24,
re-enacted

Suspension
for driving
while dis-
qualified
R.S.C. 1970,
c. C-34

(2) Where a person pleads guilty to or is found guilty of an offence referred to in subsection 1 and an order directing that the accused be discharged is made under section 662.1 of the *Criminal Code* (Canada), this section applies in the same manner as if the person were convicted of the offence.

Order for
discharge

- 5.—(1) Subsection 1 of section 37 of the said Act is repealed and the following substituted therefor:

s. 37 (1),
re-enacted

(1) When on a highway at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less, every motor vehicle other than a motorcycle shall carry three lighted lamps in a conspicuous position, one on each side of the front of the vehicle which shall display a white or amber light only, and one on the rear of the vehicle which shall display a red light only.

Lamps
required
on all
motor
vehicles
except
motor-
cycles

(1a) Subject to subsection 1b, when on a highway at any time every motorcycle shall carry two lighted lamps in a conspicuous position, one on the front of the vehicle which shall display a white light only, and one on the rear of the vehicle which shall display a red light only.

Lamps
required
on motor-
cycles

(1b) When on a highway at any time every motorcycle with a side car shall carry a lighted lamp in a conspicuous position on each side of the front of the vehicle which shall display a white or amber light only and a lighted lamp on the rear of the vehicle which shall display a red light only.

Idem

(1c) Any lamp required under subsection 1, 1a or 1b shall, when lighted, be clearly visible at a distance of at least 500 feet from the front or rear, as the case may be.

Light
require-
ment

Exception

(1*d*) Notwithstanding subsections 1*a* and 1*b*, where a motorcycle that was manufactured prior to the 1st day of January, 1970, is operated on a highway, the lighted lamps required under subsections 1*a* and 1*b* shall be required only during the period from one-half hour after sunset to one-half hour before sunrise, or at any other time when, due to insufficient light or unfavourable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of 500 feet or less.

s. 37 (4),
amended

(2) Subsection 4 of the said section 37 is amended by inserting after "1" in the second line "1*a*, 1*b*".

s. 37 (6),
amended

(3) Subsection 6 of the said section 37 is amended by striking out "or, where a commercial motor vehicle is equipped with a rear vision mirror or mirrors that extend in whole or in part beyond the side of the vehicle, the clearance lamps at the front of the vehicle shall be affixed to such mirror or mirrors" in the twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh and twenty-eighth lines.

s. 57*a* (1),
amended

6.—(1) Subsection 1 of section 57*a* of the said Act, as enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 6, section 1, is amended by striking out "prescribed device" in the fifth line and inserting in lieu thereof "device issued by the Ministry".

s. 57*a* (2),
amended

(2) Subsection 2 of the said section 57*a* is amended by striking out "prescribed" in the first line.

s. 58*c* (2) (a),
re-enacted

7. Clause *a* of subsection 2 of section 58*c* of the said Act, as re-enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 6, section 4, is repealed and the following substituted therefor:

(a) the vehicle has been inspected by a motor vehicle inspection mechanic in the motor vehicle inspection station and the vehicle is found to comply with the inspection requirements and performance standards prescribed by the regulations; and

s. 64*a*,
enacted

8. The said Act is amended by adding thereto the following section:

Consignor's
responsibility
for
overloading

64*a*. Every consignor of goods, or his agent or employee, who causes a vehicle or combination of vehicles not owned by the consignor to be loaded,

(a) knowing that so loaded the weight of such vehicle or combination of vehicles and load when on a highway or operated or moved on a highway exceeds the limits in any of the provisions of subsection 2, 3 or 4 of section 64, or in a permit issued under section 65, or in subsection 1, 4 or 5 of section 66; and

(b) intending that the vehicle or combination of vehicles so loaded be operated or moved on a highway,

is guilty of an offence and on summary conviction is liable to a fine as if he had been convicted under subsection 7 of section 64.

- 9.—(1) Subsection 1 of section 70 of the said Act, as amended s. 70 (1),
re-enacted by the Statutes of Ontario, 1974, chapter 123, section 19, is repealed and the following substituted therefor:

(1) No vehicle, including load or contents, while on a Width of
vehicle highway, shall have a greater width than 102 inches, except traction engines which may have a total width of 110 inches, and except loads of loose fodder and except motor vehicles and road-building machines while being used for the removal of snow from a highway.

- (2) Subsection 3 of the said section 70, as amended by the s. 70 (3),
re-enacted Statutes of Ontario, 1973, chapter 45, section 24 and 1974, chapter 123, section 19, is repealed and the following substituted therefor:

(3) No vehicle, other than a fire apparatus, a bus or a Length of
vehicle
or
combination semi-trailer as defined in clause *b* of subsection 6 of section 67, including load or contents, while on a highway shall exceed the length of 35 feet, and no combination of vehicles, including load or contents, coupled together while on a highway shall exceed the total length of 65 feet.

10. The said Act is further amended by adding thereto the s. 70a,
enacted following section:

70a.—(1) In this section, “over-dimensional farm vehicle” Interpre-
tation means a farm tractor, self-propelled implement of husbandry, implement of husbandry, or any combination of them, having a weight, width, length or height in excess of the limits provided in this Part or Part VII.

(2) The provisions of this Part and Part VII other than Application
of Parts VI
and VII those contained in or under this section, with respect to

weight, width, length and height do not apply to over-dimensional farm vehicles.

Regulations

(3) The Lieutenant Governor in Council may make regulations,

- (a) regulating or prohibiting the movement by over-dimensional farm vehicles or classes or types thereof on a highway or on classes or types of highways;
- (b) requiring that escort vehicles or classes or types of escort vehicles accompany over-dimensional farm vehicles or classes or types thereof on a highway or class or type of highway;
- (c) prescribing the types, specifications and locations of markings, signs and lights that shall be carried by over-dimensional farm vehicles and escort vehicles or classes or types of either or both of them on a highway or class or type of highway;
- (d) prescribing conditions for the movement of over-dimensional farm vehicles on a highway or class or type of highway relating to the protection of persons and property from injury or damage.

s. 77 (2a),
amended

11. Subsection 2a of section 77 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 45, section 27, is amended by striking out "1" in the first line and inserting in lieu thereof "1a".

s. 80a,
enacted

12. The said Act is further amended by adding thereto the following section:

Consignor's
responsibility
for
overloading

80a. Every consignor of goods, or his agent or employee, who causes a vehicle or combination of vehicles not owned by the consignor to be loaded,

- (a) knowing that so loaded the weight of such vehicle or combination of vehicles and load when on a highway or operated or moved on a highway exceeds the limits for weight, other than axle unit weight, in any of the provisions of subsection 1 of section 72, or of section 73, 74 or 75, or in a permit issued under section 77; and
- (b) intending that the vehicle or combination of vehicles so loaded be operated or moved on a highway,

is guilty of an offence and on summary conviction is liable to a fine as if he had been convicted under subsection 1 of section 80.

13. Subsection 2 of section 100 of the said Act is amended by adding at the end thereof "except where the shoulder to the right of the roadway is paved, and the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn". s. 100 (2), amended

14. The said Act is further amended by adding thereto the following section: s. 100a, enacted

100a.—(1) Where any part of the King's Highway has been designated as having a paved shoulder for use by vehicular traffic and official signs have been erected accordingly to indicate such designation, every driver of a vehicle shall obey the instructions on the official signs. Drivers to obey signs posted at designated paved shoulders

(2) The Lieutenant Governor in Council may make regulations, Regulations

(a) designating any part of the King's Highway as having a paved shoulder for use by vehicular traffic;

(b) providing for the erection of signs and the placing of markings,

(i) on any highway approaching any part of the King's Highway designated as having a paved shoulder for use by vehicular traffic, and

(ii) on any part of the King's Highway designated as having a paved shoulder for use by vehicular traffic; and

(c) prescribing the types of the signs and markings referred to in clause b, instructions to be contained thereon and the location of each type of sign and marking.

(3) A paved shoulder designated under this section shall be deemed not to be part of the roadway within the meaning of paragraph 27 of subsection 1 of section 1 or part of the pavement for the purposes of clause b of subsection 1 of section 100. Paved shoulder deemed not part of roadway

15. Clause c of section 103 of the said Act is repealed and the following substituted therefor: s. 103 (c), re-enacted

(c) any lane may be designated for slowly moving traffic, traffic moving in a particular direction or classes or types of vehicles provided that official signs are erected to indicate such designation, and, notwithstanding section 93, where a highway is so

designated every driver of a vehicle shall obey the instructions on the official signs.

s. 103a,
enacted

- 16.** The said Act is further amended by adding thereto the following section:

Times
designation
applicable

103a. A designation of a lane for classes or types of vehicles made under clause c of section 103 shall apply during the times stated on the official signs.

s. 120a,
enacted

- 17.** The said Act is further amended by adding thereto the following section:

Definition

120a.—(1) In this section, “school crossing guard” means a person sixteen years of age or older employed by a municipality who is directing the movement of children across a highway.

School
crossing
guard
shall
display
sign

(2) A school crossing guard about to direct children across a highway with a speed limit not in excess of 40 miles per hour shall, prior to entering the roadway, display a school crossing stop sign in an upright position so that it is visible to vehicular traffic approaching from each direction.

Vehicles
approaching
sign

(3) Where a school crossing stop sign is displayed as provided in subsection 2, the driver of any vehicle approaching the stop sign shall stop before reaching the crossing.

Display
of
school
crossing
stop
sign

(4) A school crossing guard shall not display on a highway a school crossing stop sign under any circumstances other than those set out in subsection 2.

Idem

(5) No person other than a school crossing guard shall display on a highway a school crossing stop sign.

Regulations

(6) The Lieutenant Governor in Council may make regulations prescribing the type, design and specifications of school crossing stop signs.

s. 147 (1),
amended

- 18.** Subsection 1 of section 147 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 1, section 1, is further amended by striking out “approved by the Ministry” in the fourth and fifth lines.

s. 150,
amended

- 19.** Section 150 of the said Act is amended by adding thereto the following subsection:

Order for
conditional
discharge
R.S.C. 1970,
c. C-34

(1a) Where a person pleads guilty to or is found guilty of an offence under the *Criminal Code* (Canada) referred to in

subsection 1 and an order directing that the person be discharged is made under section 234, 236 or 662.1 of that Act, the judge, provincial judge or justice of the peace who makes the order or the clerk of the court in which the order is made shall forthwith certify the order to the Registrar, setting out the name, address and description of the person discharged by the order, the number of his operator's or chauffeur's licence, the number of the permit of the motor vehicle with which the offence was committed, the time the offence was committed and the provision of the *Criminal Code* (Canada) contravened.

R.S.C. 1970,
c. C-34

20. Subsection 1 of section 153a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 123, section 36, is repealed and the following substituted therefor:

s. 153a (1),
re-enacted

(1) Upon the arraignment of a person accused of any of the offences mentioned in subsection 1 of section 20 or section 24 and before the court accepts the plea of such person, the clerk or registrar of the court shall orally give notice to such person in the following form or to the like effect:

Suspension
of licence
upon
conviction

"The Highway Traffic Act provides that upon conviction of the offence with which you are charged, in the circumstances indicated therein, your driver's licence shall be suspended for the period prescribed by statute".

- 21.—(1) This Act, except sections 2, 3 and 4, subsections 1 and 2 of section 5, subsection 1 of section 9 and sections 10, 17 and 19, comes into force on the day it receives Royal Assent.
- (2) Sections 2, 3 and 4, subsection 1 of section 9 and sections 10 and 19 come into force on a day to be named by proclamation of the Lieutenant Governor.
- (3) Subsections 1 and 2 of section 5 come into force on the 1st day of July, 1976.
- (4) Section 17 comes into force on the 1st day of September, 1976.
22. This Act may be cited as *The Highway Traffic Amendment Act, 1976*.

Commence-
ment

Idem

Idem

Idem

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 7, 1976

ASSEMBLY PROROGUED

December 16, 1976

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Highway Traffic Act

1st Reading

March 17th, 1976

2nd Reading

April 14th, 1976

3rd Reading

May 25th, 1976

THE HON. J. W. SNOW
Minister of Transportation
and Communications

BILL 26

Pauline G. G. G. G.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Succession Duty Act

THE HON. A. K. MEEN
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Succession Duty Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Succession Duty Act*, being chapter 449 ^{s. 1, amended} of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 17, section 1, is further amended by adding thereto the following clause:

(ra) "registered home ownership savings plan" means ^{1970-71, c. 63 (Can.)} a home ownership savings plan registered under the *Income Tax Act* (Canada).

- (2) Clause *w* of the said section 1 is repealed and the following ^{s. 1 (w), re-enacted} substituted therefor:

(w) "transmission" means,

- (i) the passing on the death of any person domiciled in Ontario to any person resident or domiciled in Ontario at the date of death of the deceased of any real or personal property situate outside Ontario at the date of such death including such of the real or personal property deemed to pass on the death of the deceased under subclauses i to x, xiv and xv of clause *r* as is situate outside Ontario at such date, and
- (ii) the amount of any increase in the value of the interest of any person who is resident or domiciled in Ontario at the date of death of any person dying domiciled in Ontario in the shares or securities of any corporation resident outside Ontario, where such an increase results, directly or indirectly,

- (A) from the corporation's acquiring, or becoming beneficially entitled to, any property described in subclause i and by reason of the death of the deceased
- (B) from the cessation or extinguishment of any obligation or indebtedness of the corporation to the deceased as the result of his death, if such indebtedness or obligation is situated outside Ontario at his death, or
- (C) from the passing on the death of the deceased of any property described in subclause i to the corporation.

s. 3 (6),
amended

- 2.** Subsection 6 of section 3 of the said Act is amended by inserting after "benefit" in the fifth line "and" and by striking out "and for solicitor's fees for obtaining probate or letters of administration to an amount not exceeding \$100" in the sixth and seventh lines.

s. 4 (h),
amended

- 3.** Clause *h* of section 4 of the said Act is amended by striking out "or" at the end of subclause xi and by adding thereto the following subclauses:

- (xiii) any interest of the deceased in a registered home ownership savings plan, or
- (xiv) any property that is situated in Ontario and that is loaned by the deceased to any religious, charitable or educational organization wholly exempt from duty under section 5 for religious, charitable or educational purposes,

s. 10 (3, 4),
re-enacted

- 4.—(1)** Subsections 3 and 4 of section 10 of the said Act are repealed and the following substituted therefor:

Payment of
insurance
without
consent

- (3) Notwithstanding anything in this Act, any insurance company may, without the consent of the Minister,

- (a) make any payment to the spouse of the deceased; and
- (b) make payment not exceeding \$11,500 in the aggregate to any other person or persons,

due under any contract or contracts of insurance mentioned in subsection 1, and where any such payment exceeds \$2,500, notice of such payment shall be transmitted forthwith to the Minister.

(4) Notwithstanding anything in this Act, any person may, without the consent of the Minister, Payments under pension funds, etc.

(a) make any payment to the spouse of the deceased; and

(b) make payment not exceeding \$11,500 in the aggregate to any member or members of the family other than a spouse of the deceased,

due under any pension fund, plan or scheme of general application to employees of whom the deceased was one, and where any such payment is made, notice of such payment shall be transmitted forthwith to the Minister.

(2) Subsection 5 of the said section 10 is amended by striking out "\$2,500" in the fifth line and inserting in lieu thereof "\$5,000". s. 10 (5). amended

(3) Subsection 6 of the said section 10 is amended by striking out "\$1,500" in the fifth line and inserting in lieu thereof "\$5,000". s. 10 (6). amended

5.—(1) Clause *a* of subsection 5 of section 17*a* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 109, section 6, is repealed and the following substituted therefor: s. 17*a* (5) (a). re-enacted

(a) farming ceases to be carried on by members of the family of the deceased or by a farming corporation; or

(2) Section 17*a* of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 109, section 6 and amended by the Statutes of Ontario, 1974, chapter 40, section 2 and 1975, chapter 14, section 2, is further amended by adding thereto the following subsection: s. 17*a*. amended

(12) Notwithstanding any provision of this Act to the contrary, where, on the death of a deceased person who died prior to the 8th day of April, 1975, any forgivable duty or interest thereon remains owing on the tenth anniversary of the death of the deceased and otherwise than by operation of subsection 5 or 6, the amount of such forgivable Reduction of forgivable duty after ten years

duty and interest thereon, if any, then owing is cancelled and discharged without further liability therefor.

s. 17c (9) (b),
re-enacted

6. Clause *b* of subsection 9 of section 17c of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 14, section 3, is repealed and the following substituted therefor:

(b) \$75,000 minus any reduction allowed under subsection 11 of section 17a with respect to the shares of a small active business corporation or with respect to any of its assets.

s. 25,
amended

7. Section 25 of the said Act is amended by adding thereto the following subsection:

Allocation
of property
after death
not to bind
Minister

(3) In determining any duty levied on any property or person under this Act, the Minister is not bound by any allocation, appropriation or distribution of such property or the extinguishment of any interest therein made or effected by any person after the date of death of the deceased, whether pursuant to a discretion conferred on such person by law, by the deceased or otherwise.

s. 44,
amended

8. Section 44 of the said Act is amended by adding thereto the following clause:

(f) for determining the method of valuing, for the purposes of this Act, the entitlement of any person to any income, annuity or periodic payment, whether out of capital or income or both and whether for life or otherwise, where the amount of such income, annuity or periodic payment is arrived at by reference to the percentage or proportion that it represents or may represent of the value of any other right or thing, and any regulation made pursuant to this clause may be made effective as of a date prior to the filing of a regulation and not earlier than the 17th day of March, 1976.

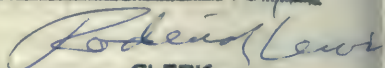
Commence-
ment

9. This Act comes into force on the day it receives Royal Assent.

Short title

10. This Act may be cited as *The Succession Duty Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976
ASSEMBLY PROROGUED December 16 1976


CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Succession Duty Act

1st Reading

March 17th, 1976

2nd Reading

April 12th, 1976

3rd Reading

April 13th, 1976

THE HON. A. K. MEEN
Minister of Revenue

BILL 27

Pauline P. G. Dillon

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Ontario Municipal Employees Retirement System Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 27

1976

**An Act to amend
The Ontario Municipal Employees
Retirement System Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Clause *g* of section 1 of *The Ontario Municipal Employees Retirement System Act*, being chapter 324 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 159, section 1, is amended by inserting after “officials” in the third line “or employees”.
- (2) Clause *p* of the said section 1, as re-enacted by the Statutes of Ontario, 1972, chapter 102, section 1, is amended by adding at the end thereof “and, for purposes of supplementary benefits, may include optional service”.
- (3) The said section 1, as re-enacted by the Statutes of Ontario, 1972, chapter 102, section 1 and amended by 1973, chapter 159, section 1, is further amended by adding thereto the following clauses:

(la) “optional service” means,

- (i) service with any municipality or local board in Canada,
- (ii) service with the civil service of Canada or of any province of Canada,
- (iii) service with the staff of any board, commission or public institution established under any Act of Canada or any province of Canada, or
- (iv) war service;

(ra) "war service" means active service during World War II or the Korean War,

(i) in His or Her Majesty's naval, army or air forces or in the Canadian or British Merchant Marine, or

(ii) in any naval, army or air force that was allied with His or Her Majesty's forces and that is designated by the Lieutenant Governor in Council,

providing satisfactory proof of such service is produced.

s. 13 (h),
amended

2. Clause *h* of section 13 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 102, section 4, is further amended by adding at the end thereof "and for giving such terms and conditions retroactive effect in cases considered appropriate".

Commence-
ment


3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Municipal Employees Retirement System Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 23 1976

ASSEMBLY PROROGUED December 16 1976


CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Ontario Municipal Employees
Retirement System Act

1st Reading

March 17th, 1976

2nd Reading

April 20th, 1976

3rd Reading

April 20th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act for granting to Her Majesty certain additional sums
of money for the Public Service for the fiscal year ending
the 31st day of March, 1976**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics
and Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 33

1976

An Act for granting to Her Majesty certain additional sums of money for the Public Service for the fiscal year ending the 31st day of March, 1976

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble
Pauline M. McGibbon, Lieutenant Governor of the Province of Ontario, and the estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1976; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) In addition to the sum of \$9,946,051,000 granted \$207,227,000 granted for fiscal year 1975-76
by *The Supply Act, 1975 (2nd Session)*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$207,227,000 to be applied towards 1975 (2nd Sess.) c. 21
defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1975, to the 31st day of March, 1976, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which the Schedule is based.

(2) Where, in the fiscal year ending the 31st day of Exception
March, 1976, powers and duties are assigned and transferred from one Minister of the Crown to another Minister of the Crown, the appropriate sums in the votes and items of the estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to

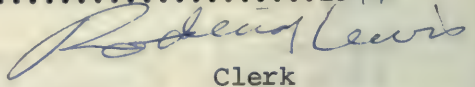
time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting for expenditure **2.** The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-ment **3.** This Act comes into force on the day it receives Royal Assent.

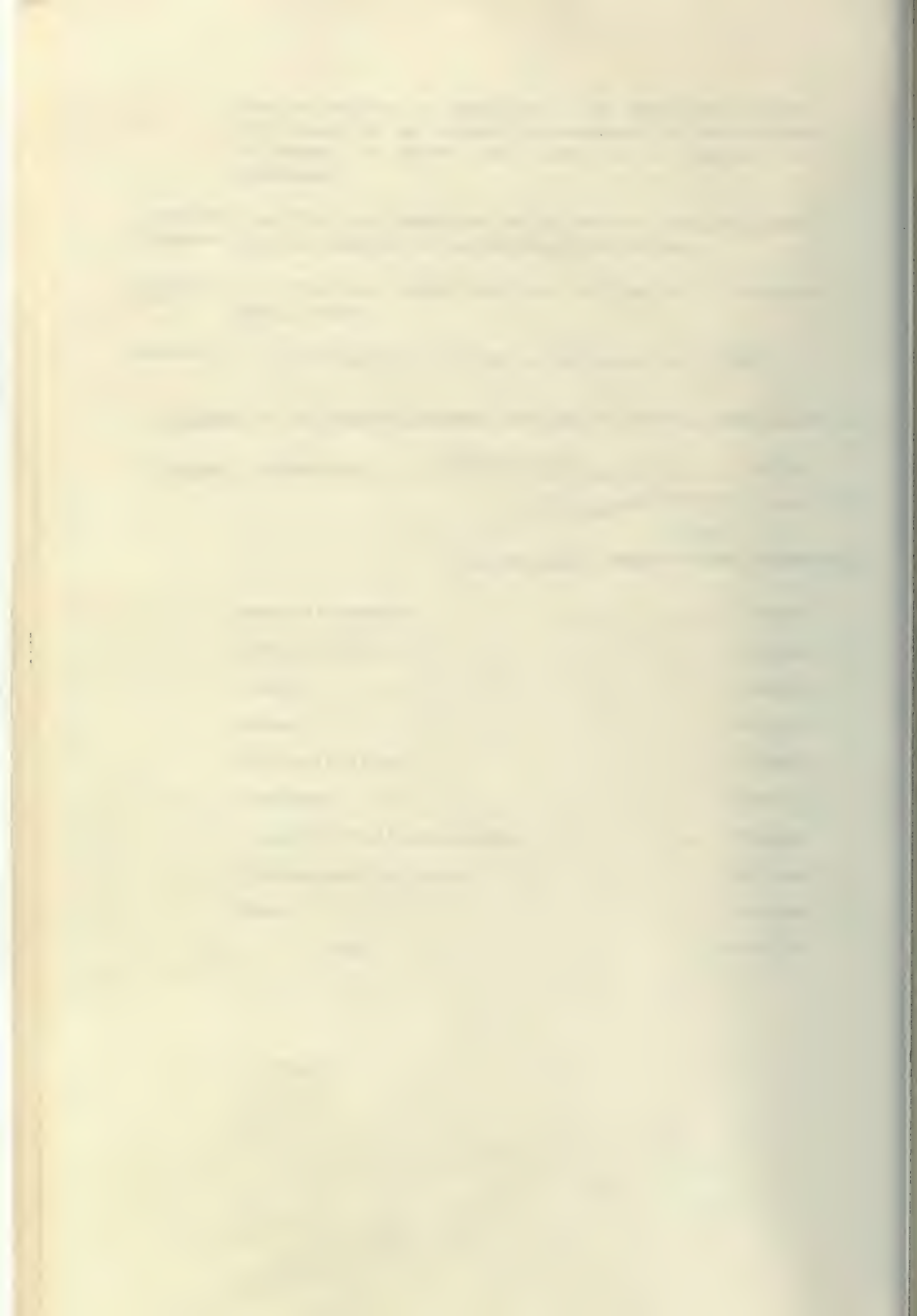
Short title **4.** This Act may be cited as *The Supply Act, 1976*.

ASSENTED TO BY ADMINISTRATOR OF THE PROVINCE...*March.29.....1976*

ASSEMBLY PROROGUED.....*December 16.....1976*

 Clerk

SCHEDULE Legislative Assembly

Office of The Assembly.....	\$ 1,239,000
Government Services.....	2,650,000
Housing.....	6,000,000
Revenue.....	9,100,000
Agriculture and Food.....	9,000,000
Environment.....	10,000,000
Transportation and Communications.....	29,945,000
Community and Social Services.....	35,793,000
Health.....	103,500,000
Total	\$207,227,000



An Act for granting to Her Majesty
certain additional sums of money for the
Public Service for the fiscal year
ending the 31st day of March, 1976

1st Reading

March 18th, 1976

2nd Reading

March 18th, 1976

3rd Reading

March 18th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 34

Amended in H.C. by S. Giblin

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Ontario Energy Board Act

THE HON. D. TIMBRELL
Minister of Energy

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 34

1976

An Act to amend The Ontario Energy Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 37a of *The Ontario Energy Board Act*, being chapter 312 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1973, chapter 55, section 12, is amended by adding thereto the following subsections:

(3a) Notwithstanding subsections 2 and 3, where Ontario Hydro proposes to change, effective within the period from and including the 1st day of January, 1977 to and including the 31st day of December, 1977, any of its rates or charges for any customer, it shall submit the proposal to the Minister not less than six months before the date that the change is proposed to come into effect and the Minister shall refer the proposal to the Board. Proposals
in respect
of 1977

(3b) Where a proposal is referred to the Board by the Minister pursuant to subsection 3a, the Board forthwith by public advertisement shall give at least twenty days notice of and shall hold a public hearing with respect to the proposal and shall make a report or an interim report thereon to the Minister at least three months before the proposed effective date of such change, and where the Board makes an interim report within such time it shall make a final report as soon as possible thereafter. Idem,
public
hearing

- (2) Subsection 4 of the said section 37a is amended by inserting after "2" in the third line "or 3a". s. 37a(4),
amended

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Ontario Energy Board Amendment Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976

Roderic Lewis
CLERK

LEGISLATIVE ASSEMBLY

An Act to amend
The Ontario Energy Board Act

1st Reading

March 29th, 1976

2nd Reading

April 8th, 1976

3rd Reading

April 8th, 1976

THE HON. D. TIMBRELL
Minister of Energy

BILL 39

1 amendment by Hon. J. W. Snow

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Public Commercial Vehicles Act**

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

1870

THE

THE

THE

BILL 39

1976

**An Act to amend
The Public Commercial Vehicles Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 6 of *The Public Commercial Vehicles Act*, being chapter 375 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 7, section 2, is amended by striking out "one" in the third line and inserting in lieu thereof "a maximum of two". s. 6 (6),
amended
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Public Commercial Vehicles Amendment Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Public Commercial Vehicles Act

1st Reading

April 2nd, 1976

2nd Reading

April 6th, 1976

3rd Reading

April 6th, 1976

THE HON. J. W. SNOW
Minister of Transportation
and Communications

BILL 41

Pauline G. G. G. G.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Public Utilities Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

THE UNIVERSITY OF CHICAGO
CHICAGO, ILL.

THE UNIVERSITY OF CHICAGO



BILL 41

1976

An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 34 of *The Public Utilities Act*, being chapter 390 of the Revised Statutes of Ontario, 1970, is repealed. s. 34.
repealed
2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Public Utilities Amendment Act*, 1976. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR April 23 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Public Utilities Act

1st Reading

April 5th, 1976

2nd Reading

April 20th, 1976

3rd Reading

April 20th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 43

Pauline M. G. G. G. G.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to authorize
the Raising of Money on the Credit of
the Consolidated Revenue Fund**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

1875

...

...

BILL 43

1976

**An Act to authorize
the Raising of Money on the Credit of
the Consolidated Revenue Fund**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan in any manner provided by *The Financial Administration Act* such sum or sums of money as are considered necessary for discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any moneys expended for any of such purposes, provided that the principal amount of any securities issued and temporary loans raised under the authority of this Act shall not exceed in the aggregate \$1,200,000,000.

Loans
up to
\$1,200,000,000
R.S.O. 1970,
c. 166

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

Idem

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Ontario Loan Act, 1976*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR April 23 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

Bill 10

An Act to authorize
the Raising of Money on
the Credit of the
Consolidated Revenue Fund

1st Reading

April 6th, 1976

2nd Reading

April 14th, 1976

3rd Reading

April 14th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Corporations Tax Act, 1972**

THE HON. A. K. MEEN
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 45

1976

**An Act to amend
The Corporations Tax Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 50a of subsection 1 of section 1 of *The Corporations Tax Act, 1972*, being chapter 143, as enacted by the Statutes of Ontario, 1975, chapter 17, section 1, is amended by striking out "section 106a or" in the third and fourth lines. s. 1 (1),
par. 50a,
amended

2. Subsection 1 of section 16 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 157, section 2 and 1975, chapter 17, section 4, is further amended by striking out "and" in the amendment of 1975, by adding "and" at the end of clause o and by adding thereto the following clause: s. 16 (1),
amended
 - (p) any amount received by the corporation as a Income stab-
ilization
payments to
farmers stabilization payment or as a refund of a fee or levy under,
 - (i) the Ontario Beef Calf Income Stabilization Program, and
 - (ii) the *Western Grain Stabilization Act* (Canada). 1974-75,
c. 87 (Can.)

3. Paragraph 5 of subsection 6 of section 17 of the said Act, as re-enacted by the Statutes of Ontario, 1975, chapter 17, section 6, is amended by striking out "or" at the end of subparagraph i, by adding "or" at the end of subparagraph ii and by adding thereto the following subparagraph: s. 17 (6),
par. 5,
amended
 - (iia) deducted as an allowance under section 65 of the *Income Tax Act* (Canada), 1970-71,
c. 63 (Can.)

s. 24 (1),
amended

4. Subsection 1 of section 24 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 157, section 5, 1974, chapter 75, section 3 and 1975, chapter 17, section 8, is further amended by striking out "and" at the end of clause *ff*, by adding "and" at the end of clause *gg* and by adding thereto the following clause:

Fee or levy
under
farmers'
income stab-
ilization
programs

(*hh*) an amount paid by the corporation in the fiscal year as a fee or levy under,

(i) the Ontario Beef Calf Income Stabilization Program, and

1974-75,
c. 87 (Can.)

(ii) the *Western Grain Stabilization Act* (Canada).

s. 25 (2) (*a*),
amended

5. Clause *a* of subsection 2 of section 25 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 17, section 9, is further amended by striking out "and" in the eleventh line and inserting in lieu thereof "or" and by striking out "or" in the amendment of 1975 and inserting in lieu thereof "and".

s. 41 (1) (*a*),
amended

6. Clause *a* of subsection 1 of section 41 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 17, section 14, is further amended by adding thereto the following sub-clause:

(*ia*) an object that the Canadian Cultural Property Export Review Board has determined meets the criteria set out in paragraphs *b* and *c* of subsection 3 of section 23 of the *Cultural Property Export and Import Act* (Canada) and that has been disposed of to an institution or public authority in Canada that was, at the time of the disposition, designated under subsection 2 of section 26 of that Act either generally or for a purpose related to that object.

1974-75,
c. 50 (Can.)

s. 43 (2) (*a*),
re-enacted

- 7.—(1) Clause *a* of subsection 2 of section 43 of the said Act is repealed and the following substituted therefor:

(*a*) determine the amount, if any, by which the aggregate of its gains for the fiscal year from the disposition of listed personal property, other than property described in subclause *ia* of clause *a* of subsection 1 of section 41, exceeds the aggregate of its losses for the fiscal year from dispositions of listed personal property; and

- (2) Subsection 3 of the said section 43 is amended by ^{s. 43 (3),}
adding at the end thereof “, other than property described ^{amended}
in subclause *ia* of clause *a* of subsection 1 of section 41”.

8. Sub-subclause B of subclause *i* of clause *j* of subsection 2 of ^{s. 55 (2) (j)}
section 55 of the said Act, as re-enacted by the Statutes of ^{(i) (B),}
Ontario, 1975, chapter 17, section 22, is repealed and the ^{re-enacted}
following substituted therefor:

(B) an amount deducted as an allowance
under section 65 of the *Income Tax* ^{1970-71,}
Act (Canada), ^{c. 63 (Can.)}

9. Clause *d* of subsection 1 of section 85 of the said Act is ^{s. 85 (1) (d),}
amended by striking out “subsection 1 of” in the third line. ^{amended}

- 10.—(1) Subsection 1 of section 98 of the said Act, as amended ^{s. 98 (1),}
by the Statutes of Ontario, 1973, chapter 42, section 7, ^{amended}
is further amended by adding thereto the following
clause:

(c) the aggregate of the gifts of objects that the ^{Gifts of}
Canadian Cultural Property Export Review Board ^{cultural}
has determined meet the criteria set out in para- ^{property}
graphs *b* and *c* of subsection 3 of section 23 of the
Cultural Property Export and Import Act (Canada), ¹⁹⁷⁴⁻⁷⁵
which gifts were not deducted under clause *a* or *b*, ^{c. 50 (Can.)}
and were made by the corporation in the fiscal
year (and in the immediately preceding fiscal year,
to the extent of the amount thereof that was not
deductible under this Act in computing the taxable
income of the corporation for that immediately
preceding fiscal year) to institutions or public
authorities in Canada that were, at the time the
gifts were made, designated under subsection 2 of
section 26 of that Act either generally or for a
purpose related to those objects, not exceeding the
amount remaining, if any, when the amounts
deductible for the fiscal year under clauses *a* and *b*
are deducted from the income of the corporation for
the fiscal year, if payment of the amounts given
is proven by filing with the Minister receipts or
photostatic reproductions thereof.

- (2) The said section 98 is further amended by adding ^{s. 98,}
thereto the following subsection: ^{amended}

Gift of
tangible
capital
property

(1a) Where at any time after 1971 a corporation has made a gift, to a donee described in clause *a* or *b* of subsection 1, of tangible capital property that had, at that time, a fair market value in excess of its adjusted cost base to the corporation and that could, at that time, reasonably be regarded as being suitable for use by the donee directly in the course of carrying on its charitable, public service or other similar activities, such amount,

(a) not greater than the fair market value of the property at that time; and

(b) not less than its adjusted cost base to the corporation at that time,

as is designated by the corporation in its return of income required by section 145 to be filed for the fiscal year in which the gift was made, shall be deemed to be,

(c) the corporation's proceeds of disposition of the property; and

(d) the amount of the gift made by the corporation.

s. 106a,
re-enacted

11. Section 106a of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 75, section 7, and amended by the Statutes of Ontario, 1975, chapter 17, section 57, is repealed and the following substituted therefor:

Small
business
incentive

1970-71,
c. 63 (Can.)

106a.—(1) There may be deducted from the tax otherwise payable under this Part for a fiscal year by a corporation that, with respect to that fiscal year, is eligible for a deduction under section 125 of the *Income Tax Act* (Canada), an amount equal to 3 per cent of the amount determined under subsection 2.

Idem

(2) For the purposes of subsection 1, the amount determined under this subsection is that proportion of the least of the amounts determined under paragraphs *a*, *b*, *c* and *d* of subsection 1 of section 125 of the *Income Tax Act* (Canada) for the fiscal year, not exceeding \$100,000, that,

(a) the amount of that portion of its taxable income for the fiscal year that is deemed to have been earned in Ontario, measured in accordance with paragraph *a* of subsection 4 of section 124 of the *Income Tax Act* (Canada),

bears to

- (b) the total amount of the portions of its taxable income for the fiscal year that are deemed to have been earned in the provinces of Canada measured in accordance with paragraph *a* of subsection 4 of section 124 of the *Income Tax Act* (Canada).

1970-71,
c. 63 (Can.)

(3) In lieu of the deduction permitted under subsection 1, for the fiscal year that ends after the 6th day of April, 1976 and that includes that day, there may be deducted from the tax otherwise payable under this Part for that fiscal year the amount that would otherwise be deductible under section 106*a* as that section stood on the 6th day of April, 1976 determined on the assumption that that section applied to the whole of that fiscal year.

Transitional
rule—alter-
native
deduction

(4) Where a corporation has made a deduction under subsection 1 for the fiscal year that ends after the 6th day of April, 1976 and that includes that day, in addition to the amount deducted under subsection 1 there may be deducted from the tax otherwise payable under this Part for that fiscal year the lesser of,

Transitional
rule—
additional
deduction

- (a) 3 per cent of the amount determined under subsection 2 for that fiscal year; and

- (b) the amount that would have been deductible under subsection 3 of section 106*a* as that section stood on the 6th day of April, 1976 had that section applied to that fiscal year.

(5) In this section "tax otherwise payable under this Part" means the tax for the fiscal year otherwise payable by the corporation under this Part after making any deduction applicable under sections 103 and 104, but before making any deduction under this section.

Interpre-
tation

12. Subsection 1 of section 109 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 42, section 8, is further amended by striking out that portion immediately preceding clause *a* and inserting in lieu thereof the following:

s. 109 (1),
amended

(1) Where a corporation is a mutual fund corporation, as defined by subsection 8 of section 131 of the *Income Tax Act* (Canada), and the corporation has elected in respect of the full amount of a dividend that has become payable by it at any particular time after 1971 in accordance with subsection 1 of section 131 of the said Act,

Election re
capital gains
dividend

s. 109b,
enacted

- 13.** The said Act is amended by adding thereto the following section:

INVESTMENT CORPORATIONS

Application
of s. 109

1970-71,
c. 63 (Can.)

109b. Where a corporation is, throughout a fiscal year, an investment corporation, as defined by subsection 3 of section 130 of the *Income Tax Act* (Canada), other than a mutual fund corporation, as defined by subsection 8 of section 131 of that Act, subsections 1, 2, 2a and 3 of section 109 of this Act are applicable in respect of the corporation for the fiscal year as if,

- (a) the corporation had been a mutual fund corporation throughout that and all previous fiscal years ending after 1971 throughout which it was an investment corporation; and
- (b) its capital gains redemptions for that and all previous fiscal years ending after 1971, throughout which it would, but for the assumption made by clause a, not have been a mutual fund corporation, were nil.

s. 113 (1),
amended

- 14.** Subsection 1 of section 113 of the said Act is amended by adding at the end thereof "except for the purposes of section 106a".

s. 114 (6),
amended

- 15.** Subsection 6 of section 114 of the said Act is amended by adding at the end thereof "except for the purposes of section 106a".

s. 115 (2),
amended

- 16.—(1)** Subsection 2 of section 115 of the said Act is amended by inserting after "Act" in the first line ", except as provided by subsection 3,".

s. 115,
amended

- (2) The said section 115 is amended by adding thereto the following subsection:

Exception

(3) For the purpose of subsection 2, insurance corporations and insurers that transact business in Ontario shall, in calculating their incomes or taxable incomes,

- (a) be entitled to make the deductions allowed by this Act which they would otherwise be permitted to make were it not for subsection 2; and
- (b) not make the deductions provided in the *Income Tax Act* (Canada), otherwise permitted by subsection 2, that are prescribed to be not allowed for the purpose of subsection 2.

17.—(1) Clause *c* of subsection 1 of section 127 of the said Act is amended by striking out “clauses *a* and *b*” in the third line and in the tenth line and inserting in lieu thereof in each instance “clauses *a*, *b* and *d*”. s. 127 (1) (c),
amended

(2) Subsection 1 of the said section 127, as amended by the Statutes of Ontario, 1974, chapter 75, section 9, is further amended by adding thereto the following clause: s. 127 (1),
amended

(d) the amount of Canadian exploration and development expenses and the Ontario exploration and development expenses incurred by the corporation in searching for minerals in Canada and that are deductible under section 63 of the Act or section 29, 30 or 34 of *The Corporations Tax Application Rules, 1972*, to the extent that such expenses have not been deducted by the corporation under those sections for the fiscal year or for any prior fiscal year. Deferred
Canadian and
Ontario min-
ing explora-
tion and
development
expenses

(3) The said section 127, as amended by the Statutes of Ontario, 1973, chapter 42, section 12 and 1974, chapter 75, section 9, is further amended by adding thereto the following subsection: s. 127,
amended

(1a) For the purposes of clause *d* of subsection 1, “minerals” does not include petroleum, natural gas or related hydrocarbons, bituminous sands, oil sands or oil shale. Interpre-
tation

18.—(1) Subsection 1 of section 143 of the said Act is amended by striking out “2” in the first line and inserting in lieu thereof “3” and by adding thereto the following clauses: s. 143 (1),
amended

(c) one-third of the net premiums paid or payable pursuant to a contract of accident insurance, life insurance or sickness insurance entered into prior to the 7th day of April, 1976; and

(d) one-third of that part of the net premiums, other than the net premiums with respect to which a deduction is permitted under clause *c*, that represents the savings portion of life insurance contracts.

(2) The said section 143 is amended by adding thereto the following subsections: s. 143,
amended

(1a) The deduction permitted under clause *c* of subsection 1 does not apply to premiums paid or payable under contracts of, Application
of clause *c*
of subs. 1

- (a) group life insurance; or
- (b) accident or sickness insurance which are not non-cancellable,

on or after the first anniversary date thereof which occurs after the 6th day of April, 1976.

**Interpre-
tation**

(1b) For the purposes of subsections 1 and 1a,

- (a) "accident insurance", "life insurance" and "sickness insurance" have the respective meanings given to those expressions by section 1 of *The Insurance Act*;
- (b) "group life insurance" means insurance, other than family insurance as defined by clause g of section 145 of *The Insurance Act*, whereby the lives of a number of persons are insured severally under a single contract between an insurer and an employer or other person;
- (c) "net premiums" means the premiums determined in the prescribed manner; and
- (d) "savings portion of life insurance contracts" means that portion of life insurance contracts determined in the prescribed manner.

**s. 143 (4),
re-enacted**

(3) Subsection 4 of the said section 143, as amended by the Statutes of Ontario, 1973, chapter 42, section 18, is repealed and the following substituted therefor:

Exemptions

- (4) The tax imposed by subsection 1 is not payable,
 - (a) in respect of premiums payable under a contract of marine insurance;
 - (b) in respect of premiums payable under contracts of insurance issued on the premium note plan by mutual insurance corporations insuring agricultural and other non-hazardous risks, the sole business of which is carried on in Ontario;
 - (c) in respect of premiums payable to mutual insurance corporations insuring agricultural and other non-hazardous risks, which are parties to the agreement, made pursuant to section 143 of *The Insurance Act*, establishing the Fire Mutuals Guarantee Fund;
 - (d) by fraternal societies as defined in *The Insurance*

Act, with respect to contracts entered into prior to the 1st day of January, 1974;

(e) by mutual benefit societies as defined in *The Insurance Act*; or R.S.O. 1970, c. 224

(f) by pension fund and employees' mutual benefit societies incorporated under or subject to *The Corporations Act*. R.S.O. 1970, c. 89

19.—(1) Subsection 4 of section 148 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 17, section 64, is repealed and the following substituted therefor: s. 148 (4), re-enacted

(4) Where the tax payable by a corporation for the fiscal year or for the immediately preceding fiscal year is less than \$2,000, the corporation may, instead of paying the instalments required by clause *a* of subsection 3, pay its tax payable for the fiscal year, as estimated by it under subsection 2 of section 145, in accordance with clause *b* of subsection 3. Special cases

(2) The said section 148 is amended by adding thereto the following subsections: s. 148, amended

(5) Notwithstanding clause *a* of subsection 3, the amount payable by a mutual fund corporation to the Treasurer of Ontario on or before the fifteenth day of any of the third, fifth, seventh, ninth and eleventh months of the fiscal year in respect of which the tax is payable and the first month of the fiscal year following that in respect of which the tax is payable, shall be deemed to be the amount, if any, by which, Mutual fund corporations

(a) the amount so payable otherwise determined under that subsection,

exceeds

(b) one-sixth of the corporation's capital gains refund for the year, as determined under subsections 2 and 2*a* of section 109.

(6) Where the tax payable by a mutual fund corporation for the fiscal year or for the immediately preceding fiscal year is less than \$2,000 after deducting its capital gains refund as determined under subsections 2 and 2*a* of section 109 for the fiscal year or for the immediately preceding fiscal year, as the case may be, the corporation may, instead of paying the instalments required by clause *a* of subsection 3, Idem

pay its tax payable for the fiscal year, as estimated by it under subsection 2 of section 145, in accordance with subclause ii of clause *b* of subsection 3 after deducting its capital gains refund for the fiscal year.

s. 149 (2),
amended

- 20.** Subsection 2 of section 149 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 17, section 65, is further amended by striking out "subsection 3 or 4 of" in the first and second lines.

s. 154,
amended

- 21.** Section 154 of the said Act is amended by adding thereto the following subsection:

Idem

(5) A reassessment made by the Minister pursuant to subsection 4 is not invalid by reason only of not having been made within six years from the day of mailing of a notice of an original assessment or of a notification described in subsection 4 of section 150.

1975, c. 17,
s. 67 (15),
re-enacted

- 22.** Subsection 15 of section 67 of *The Corporations Tax Amendment Act, 1975*, being chapter 17, is repealed and the following substituted therefor:

Idem

(15) Subsection 4 of section 6 of *The Corporations Tax Amendment Act, 1975*, shall be deemed to have come into force on the 7th day of May, 1974 and applies to acquisitions of property occurring after the 6th day of May, 1974, except that in its application to acquisitions of property occurring before November 19, 1974, paragraph 5 of subsection 6 of section 17 of *The Corporations Tax Act, 1972* shall be read in the following manner:

5. Where a corporation has received or is entitled to receive a grant, subsidy, or other assistance from a government, municipality or other public authority in respect of or for the acquisition of property, other than an amount,

i. authorized to be paid under an *Appropriation Act* (Canada) and on terms and conditions approved by the Minister in respect of scientific research expenditures incurred for the purpose of advancing and sustaining the technological capability of Canadian manufacturing or other industry, or

ii. authorized to be paid under the *Industrial Research and Development Incentives Act* (Canada) or the *Area Development Incentives Act* (Canada) and approved by the Minister,

R.S.C. 1970
c. I-10

1965 c. 12 (Can.)

the capital cost of the property to the corporation shall be deemed to be the amount by which the aggregate of,

- iii. the capital cost thereof to the corporation, otherwise determined, and
- iv. such part, if any, of the assistance as has been repaid by the corporation pursuant to an obligation to repay all or any part of that assistance,

exceeds

- v. the amount of the assistance.

- 23.**—(1) Section 21 shall be deemed to have come into force on the 7th day of April, 1976. Commence-
ment and
application
- (2) Sections 1, 11, 14, 15 and 16 shall be deemed to have come into force on the 7th day of April, 1976 and apply to corporations in respect of all fiscal years ending after the 6th day of April, 1976. Idem
- (3) Section 22 comes into force on the day this Act receives Royal Assent. Idem
- (4) Subclause i of clause *p* of subsection 1 of section 16 of the said Act, as enacted by section 2 of this Act, and subclause i of clause *hh* of subsection 1 of section 24 of the said Act, as enacted by section 4 of this Act, shall be deemed to have come into force on the 1st day of July, 1975 and apply to corporations in respect of all fiscal years ending after the 30th day of June, 1975. Idem
- (5) Subclause ii of clause *p* of subsection 1 of section 16 of the said Act, as enacted by section 2 of this Act, and subclause ii of clause *hh* of subsection 1 of section 24 of the said Act, as enacted by section 4 of this Act, shall come into force on the day that the *Western Grain Stabilization Act* (Canada) comes into force and apply to corporations in respect of all fiscal years ending on or after that day. Idem
- (6) Section 3 shall be deemed to have come into force on the 19th day of November, 1974 and applies to acquisitions of property occurring after the 18th day of November, 1974. Idem

- Idem (7) Sections 5, 12 and 13 shall be deemed to have come into force on the 1st day of January, 1972 and apply to corporations in respect of all fiscal years ending after 1971.
- Idem (8) Sections 6 and 7 and subsection 1 of section 10 come into force on the day that the *Cultural Property Export and Import Act* (Canada) comes into force and apply to corporations in respect of all fiscal years ending on or after that day.
- Idem (9) Section 8 shall be deemed to have come into force on the 19th day of November, 1974 and is applicable for the purpose of computing the adjusted cost base of property after 1971 in respect of acquisitions of property occurring after the 18th day of November, 1974.
- Idem (10) Section 9 shall be deemed to have come into force on the 10th day of April, 1974 and applies to corporations in respect of all fiscal years ending after the 9th day of April, 1974.
- Idem (11) Subsection 2 of section 10 shall be deemed to have come into force on the 1st day of January, 1972 and applies to gifts of tangible capital property made after 1971.
- Idem (12) Section 17 shall be deemed to have come into force on the 7th day of April, 1976 and applies to corporations in respect of all fiscal years ending after the 6th day of April, 1976, except that with respect to the fiscal year ending after the 6th day of April, 1976 and that includes that day, the amount to be deducted under clause *d* of subsection 1 of section 127 of the said Act is that portion of the amount determined under the said clause *d* that the number of days of that fiscal year that follow the 6th day of April, 1976 bears to the total number of days of that fiscal year.
- Idem (13) Section 18, except clause *c* of subsection 4 of section 143 of the said Act, as enacted by subsection 3 of section 18 of this Act, shall be deemed to have come into force on the 7th day of April, 1976 and applies to corporations in respect of all fiscal years ending after the 6th day of April, 1976 except that with respect to the fiscal year ending after the 6th day of April, 1976 and that includes that day, the following rules apply:

- (a) determine the amount of tax payable under section

143 of the said Act as that section stood on the 6th day of April, 1976 on the assumption that that section was applicable to that fiscal year;

- (b) determine the proportion of the amount determined under clause *a* that the number of days of that fiscal year prior to the 7th day of April, 1976 bears to the total number of days of that fiscal year;
- (c) determine the amount of tax payable under section 143 of the said Act, as amended by section 18 of this Act, on the assumption that that section was applicable for that fiscal year;
- (d) determine the proportion of the amount determined under clause *c* that the number of days of that fiscal year that follow the 6th day of April, 1976 bears to the total number of days of that fiscal year;
- (e) determine the aggregate of the amounts determined under clauses *b* and *d* in respect of the corporation,

and the aggregate determined under clause *e* is the amount payable by the corporation under section 143 of the said Act, as amended by this Act, for its fiscal year that ends after the 6th day of April, 1976 and that includes that day.

- (14) Clause *c* of subsection 4 of section 143 of the said Act, as enacted by subsection 3 of section 18 of this Act, shall be deemed to have come into force on the 1st day of January, 1976 and applies to premiums received after 1975. Idem

- (15) Sections 19 and 20 shall be deemed to have come into force on the 7th day of April, 1976 and applies to all payments required to be made after the 6th day of April, 1976 under subsection 3 or 4 of section 148 of the said Act. Idem

24. This Act may be cited as *The Corporations Tax Amendment Act, 1976*. Short title

PRESENTED TO BY LIEUTENANT-GOVERNOR May 13 1976
 ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
 CLERK
 LEGISLATIVE ASSEMBLY

An Act to amend
The Corporations Tax Act, 1972

1st Reading

April 6th, 1976

2nd Reading

April 27th, 1976

3rd Reading

May 11th, 1976

THE HON. A. K. MEEN
Minister of Revenue

BILL 46

Pauline Py. Py. S. Han

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Retail Sales Tax Act

THE HON. A. K. MEEN
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

1891

THE UNIVERSITY OF CHICAGO

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THE UNIVERSITY OF CHICAGO

An Act to amend The Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 4 of section 1 of *The Retail Sales Tax Act*, ^{s. 1, par. 4, amended} being chapter 415 of the Revised Statutes of Ontario, 1970, is amended by adding at the end thereof “except that, in the case of either a mobile home or a modular home sold for the first time at a retail sale after the 6th day of April, 1976, ‘fair value’ means the taxable value of such mobile home or modular home, as the case may be”.

(2) The said section 1, as amended by the Statutes of ^{s. 1, amended} Ontario, 1973, chapter 23, section 1 and 1975, chapter 9, section 1, is further amended by adding thereto the following paragraphs:

5a. “mobile home” means a vehicular portable structure that,

(a) is defined to be a mobile home, a multiple section mobile home or a swing out and expandable room section mobile home for the purposes of the Z240 series of standards prescribed by the Canadian Standards Association; and

(b) complies with the requirements for a mobile home, multiple section mobile home or swing out and expandable room section mobile home contained in that series of standards, and bears the seal of the Canadian Standards Association attesting to such compliance;

5b. “modular home” means a house that is intended for residential purposes and that is constructed

by assembling manufactured modular units each of which comprises at least one room or living area, has been manufactured to comply with the A277 series of standards prescribed by the Canadian Standards Association, and bears the seal of that Association attesting to such compliance.

s. 1,
amended

- (3) The said section 1 is further amended by adding thereto the following paragraph:

8a. "production property" means machinery, equipment or structures operated or used to manufacture, produce or modify tangible personal property, but does not include,

- (a) land;
- (b) buildings intended to protect, house or shelter such machinery, equipment or structures, and property in, or connected to, such buildings that are primarily used to provide lighting, heating, air-conditioning or other services or functions for people within the buildings or for the protection or maintenance of such machinery, equipment or structures in the buildings;
- (c) smoke-stacks or chimneys; or
- (d) any machinery, equipment or structure, or class thereof, prescribed by the Minister not to be production property.

s. 1, par. 9,
re-enacted

- (4) Paragraph 9 of the said section 1, as amended by the Statutes of Ontario, 1973, chapter 23, section 1, is repealed and the following substituted therefor:

9. "purchaser" means a consumer or person who acquires tangible personal property anywhere, or who acquires or receives a taxable service at a sale in Ontario, for his own consumption or use, or for the consumption or use in Ontario of other persons at his expense, or on behalf of or as agent for a principal who desires to acquire such property or service for consumption or use in Ontario by such principal or other persons at his expense, and includes a person who, at his expense, purchases admission to a place of amusement for himself or for another person or who at his expense acquires production property at a sale described in clause *fa* of paragraph 13.

- (5) Paragraph 13 of the said section 1, as amended by the Statutes of Ontario, 1975, chapter 9, section 1, is further amended by adding thereto the following clause: s. 1,
par. 13,
amended

(fa) the incorporation of production property into real property, the affixation of production property in, on, or to real property so that the production property is thereafter real property, or the fabrication or construction as real property of any production property, when such incorporation, affixation, or fabrication or construction is for a consideration comprising the cost or fair value of such production property.

- (6) Paragraph 15 of the said section 1, as re-enacted by the Statutes of Ontario, 1975, chapter 9, section 1, is repealed and the following substituted therefor: s. 1,
par. 15,
re-enacted

15. "tangible personal property" means,

- (a) personal property that can be seen, weighed, measured, felt or touched, or that is in any way perceptible to the senses,
- (b) natural gas or manufactured gas,
- (c) any chattel that is a fixture and for the use, possession or enjoyment of which a consideration is paid that is not included in the fee, charge, rent or price paid for the possession or occupation of the real property to which the chattel is affixed or for the purchase of such real property, or
- (d) production property in Ontario that is not personal property.

- (7) The said section 1 is further amended by adding thereto the following paragraph: s. 1,
amended

17a. "taxable value" means,

- (a) in the case of a mobile home, one-half of the sale price thereof that is charged to the person acquiring the mobile home as a residence, if such price is determined by including therein all charges for delivery of the mobile home in accordance with the terms of such sale, by excluding therefrom the

retail sale price of any furniture or appliance that is not permanently attached to, and part of, the interior structure of the mobile home, and by excluding therefrom any charges for the installation or connection of the mobile home on the site to which it is delivered; or

- (b) in the case of a modular home, an amount equal to 55 per cent of the sale price of such modular home on the sale thereof by its manufacturer to a builder, or where the manufacturer is the consumer of such modular home, 55 per cent of the sale price normally charged by the manufacturer on the sale thereof to a builder,

but such taxable value applies only with respect to the first retail sale of a mobile home or a modular home after the 6th day of April, 1976.

s. 2 (2),
par. 2,
re-enacted

- 2.—(1) Paragraph 2 of subsection 2 of section 2 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 23, section 2, is repealed and the following substituted therefor:

2. prepared meals sold at a price of over \$5.00.

s. 2,
amended

- (2) The said section 2, as amended by the Statutes of Ontario, 1973, chapter 23, section 2, 1974, chapter 7, section 1 and 1975, chapter 9, section 2, is further amended by adding thereto the following subsections:

Refund
by
vendor

(8c) Notwithstanding subsection 8, a vendor may, in the circumstances described in clauses *a* to *d*, refund to a purchaser from whom he has collected tax, the whole or a part of such tax, as the case requires, if the refund is made within two years following the sale with respect to which the tax being refunded was collected, and if,

- (a) the tax payable and collected, or the purchase price charged, has been overstated by reason of a clerical or arithmetical error in computation;
- (b) the purchaser acquired from the vendor the goods for the tax on which a refund is sought for the purpose of reselling such goods, and after the sale and before the refund is made provides the vendor with a proper purchase exemption certificate with respect to the goods;

(c) the purchase price agreed to at the time of the sale is subsequently reduced,

- (i) by reason of the purchaser's return of all or part of the goods purchased and the vendor's agreeing to refund part or all of the purchase price therefor,
- (ii) by reason of damage to the goods in the course of delivery, the discovery of a defect in the quality of the goods sold, or the failure of the goods to answer fully the purpose for which they were purchased, provided that, in any such case, the goods are retained in full by the purchaser, or
- (iii) by reason of any discount for prompt payment agreed to at the time of sale;

or

(d) the refund made is with respect to a class of transactions prescribed by the Minister for the purpose of this subsection or has been authorized by the Minister in writing prior to the making of the refund,

and any refund made under this subsection may be deducted by the vendor making it from subsequent remittances of tax under this Act.

(8d) Where the erroneous payment giving rise to a claim for a refund under subsection 8 or 8a is the result of a sale under a contract in which a party other than the applicant for the refund is the purchaser who should have paid the tax or any part thereof a refund of which is sought, and where such tax, had it been properly paid, can reasonably be considered to have been likely to form a part of the contract price that would have been charged to the person claiming the refund, the Minister may, notwithstanding subsection 8 or 8a, determine by such method or formula as he considers appropriate the amount by which the payment sought to be refunded exceeds the tax that would have been properly payable in the performance of the contract, and shall refund only the amount of such excess so determined. Refund not to include tax

(3) Subsection 9 of the said section 2 is amended by adding at the end thereof "at the time such tangible personal property is brought into Ontario or delivery thereof is received in Ontario". s. 2 (9), amended

s. 5 (1),
par. 2,
amended

- 3.—(1) Paragraph 2 of subsection 1 of section 5 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 23, section 4, is amended by striking out “\$4.00” in the second line and in the fourth line and inserting in lieu thereof in each instance “\$5.00”.

s. 5 (1),
par. 2a,
amended

- (2) Paragraph 2a of subsection 1 of the said section 5, as enacted by the Statutes of Ontario 1973, chapter 23, section 4, is amended by striking out “\$4.00” in the sixth line and inserting in lieu thereof “\$5.00”.

s. 5 (1),
pars. 23, 24,
re-enacted

- (3) Paragraphs 23 and 24 of subsection 1 of the said section 5 are repealed and the following substituted therefor:

R.S.C. 1970,
c. A-8

23. aircraft, and parts, equipment or repairs for such aircraft, that meet such requirements as are prescribed by the Minister and that are used by a person approved as a carrier of goods or passengers under the *Aeronautics Act* (Canada), or regulations made thereunder, to provide such class or classes of air services as are prescribed by the Minister;
24. street flushers, street sweepers and fire-fighting vehicles, as defined by the Minister, and purchased for the exclusive use of a municipality, university or public hospital at a price of more than \$1,000 per vehicle;
- 24a. a mobile home within the meaning of this Act that has been occupied as a residential dwelling and that has previously been sold at a retail sale in Ontario made in good faith and for valuable consideration;
- 24b. thermal insulation materials, as defined by the Minister, that are purchased exclusively to insulate a building the construction of which has been completed and that is occupied permanently or seasonally for residential purposes if, with respect to such purchase, the person selling such materials is provided with either,
 - (a) the completed exemption certificate for thermal insulation materials in the form prescribed by the Minister, and signed by the purchaser; or
 - (b) where the person acquiring such materials holds a valid permit under section 3, a single purchase exemption certificate or a blanket purchase exemption certificate issued in accordance with the regulations,

but the exemption conferred by this paragraph does not apply to the purchase of such materials used to insulate any commercial or industrial building, any hotel, motel or lodge or similar establishment, or any new residential premises in the process of construction.

- (4) Clause *d* of paragraph 49 of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1975, chapter 9, section 4, is repealed. s. 5 (1),
par. 49 (d),
repealed

- (5) Paragraph 51 of subsection 1 of the said section 5 is repealed and the following substituted therefor: s. 5 (1),
par. 51,
re-enacted

51. uncanceled postage stamps and uncanceled revenue stamps valid for the transportation of mail or for revenue purposes in the jurisdiction issuing such stamps, if the consideration for the sale thereof does not exceed the equivalent face value thereof in Canadian funds.

- (6) Paragraph 64 of subsection 1 of the said section 5 is amended by striking out "(Canada)," in the second line and inserting in lieu thereof "(Canada) or by the Minister,". s. 5 (1),
par. 64,
amended

- (7) Paragraph 65 of subsection 1 of the said section 5 is amended by striking out "(Canada)," in the second line and inserting in lieu thereof "(Canada) or by the Minister,". s. 5 (1),
par. 65,
amended

- (8) Subsection 1 of the said section 5, as amended by the Statutes of Ontario, 1972, chapter 21, section 1, 1973, chapter 23, section 4, 1974, chapter 7, section 2 and 1975, chapter 9, section 4, is further amended by adding thereto the following paragraph: s. 5 (1),
amended

67. the consumption of tangible personal property occurring only as part of a transaction that is a sale described in clause *fa* of paragraph 13 of section 1, and when the consumer is a person other than the purchaser of production property at such sale and such tangible personal property becomes, or becomes part of, production property, but not otherwise.

4. Section 10 of the said Act is repealed and the following substituted therefor: s. 10,
re-enacted

10. All taxes collected by a vendor under this Act, and all amounts collected as or on account of tax by a vendor under this Act, shall, subject to subsection 8c of section 2, be remitted to the Treasurer at the time or times and in Accounting
by vendors

such manner as are prescribed by the regulations, and every vendor who fails so to remit the tax or amounts so collected by him is guilty of an offence and, in addition to any penalty otherwise provided by this Act, is liable on summary conviction to a fine of not less than \$25 and not more than \$1,000 plus, in an appropriate case, an amount of not more than double the amount of tax collected and amounts collected as or on account of tax under this Act that were not remitted to the Treasurer as required by this Act or the regulations.

s. 15 (3),
amended

5. Subsection 3 of section 15 of the said Act, as re-enacted by the Statutes of Ontario, 1975, chapter 9, section 6, is amended by striking out "any tax collectable by a vendor or" in the first and second lines, by striking out "collectable or" in the third and fourth lines and by striking out "vendor or" in the fifth line.

s. 15a,
enacted

6. The said Act is amended by adding thereto the following section:

Erroneous
refunds or
rebates

15a.—(1) The Minister may assess pursuant to this section any person who has received a refund or rebate under this Act or the regulations and who is not entitled to such refund or rebate, and such assessment shall be for the amount of the refund or rebate to which the person is not entitled and shall be accompanied by a brief statement in writing of the grounds upon which the person assessed is claimed not to be entitled to the amount claimed in the assessment.

Disallowance
of rebate
or refund

(2) Where a person has, in accordance with this Act and the regulations, applied for a refund or rebate under this Act or the regulations, and his claim is in whole or in part refused, the Minister shall cause to be served on such person a statement of disallowance in such form as the Minister shall prescribe, and the statement shall specify the amount of the disallowance and the reasons therefor.

Penalty for
non-
collection
of tax

(3) Every vendor who has failed to collect tax that he is responsible to collect under this Act or the regulations and who has not complied with section 17 with respect to his failure to collect such tax shall, when assessed therefor, pay a penalty equal to the amount of tax that he failed to collect, but where the tax that should have been collected from a particular purchaser is \$50 or more and the vendor supplies to the Minister particulars of the transaction giving rise to such amount of tax and the name and address in Ontario of the purchaser liable for the tax, the Minister may, unless he is satisfied that the vendor wilfully neglected to

collect such tax from such purchaser, assess such purchaser for such tax, in which case such tax shall not be included in an assessment made pursuant to this subsection.

(4) No penalty imposed pursuant to subsection 3 shall be ^{Idem} imposed with respect to tax that should have been collected more than three years immediately preceding the day of the assessment under subsection 3, except that, where the Minister establishes that any vendor has made any misrepresentation that is attributable to neglect, carelessness or wilful default, or has committed any fraud, in making a return or in supplying any information under this Act or the regulations or in omitting to disclose any information, then the Minister may, where he considers it expedient, impose the penalty provided for in subsection 3 for tax that should have been collected more than three years prior to the date of the assessment under subsection 3.

(5) Every purchaser who, at a sale in Ontario, acquires or purchases from a person who is not a vendor within the meaning of this Act tangible personal property for the consumption of which the purchaser is liable to pay tax under this Act and who understates the fair value of such tangible personal property in any written statement or document signed by him or under his authority shall, when assessed therefor, pay a penalty of, ^{Penalty for understating fair value}

(a) not less than an amount equal to the greater of,

(i) \$25, or

(ii) the unpaid tax applicable to the amount by which he understated the fair value of such tangible personal property;

and

(b) not more than \$500,

and such penalty shall be in addition to the tax properly payable by him on his consumption of such tangible personal property.

(6) A statement under subsection 2 or a notice of an ^{Notice of assessment} assessment made under this section may be served by sending such statement or notice by prepaid mail to the person whose claim is refused or against whom an assessment is made under this section, as the case may be, at his last known address in Ontario, or by serving such notice on him personally.

Assessment
conclusive

(7) Subject to being vacated on an objection or appeal, a statement or assessment under this section shall be deemed to be valid and binding, and the amount assessed in any such assessment shall, for the purposes of the collection or recovery thereof, be deemed to be tax owing under this Act and to be conclusively established as a debt owing to Her Majesty in right of Ontario.

Payment of
assessment

(8) Every person assessed under this section shall, within thirty days of the service of the notice of assessment, pay the amount assessed against him whether or not an objection to or appeal from the assessment is outstanding.

s. 18a,
amended

7. Section 18a of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 9, section 8, is amended by adding thereto the following subsection:

Discharge
of
lien

(2) Where, on or after the 8th day of April, 1975, a person acquires in good faith, for value and without notice the title to any personal property on or with respect to which, prior to the 8th day of April, 1975 a first lien and charge arose or came into existence by virtue of subsection 2 of section 18 as it existed immediately prior to that date, such personal property is, upon the 8th day of April, 1976 absolutely discharged from such first lien and charge then remaining in force.

s. 19 (1),
re-enacted

- 8.—(1) Subsection 1 of section 19 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 21, section 3, is repealed and the following substituted therefor:

Notice
of
objection

(1) Where a person objects to an assessment made against him under section 15 or 15a or to a statement under section 15a that is served on him, he may, within sixty days from the day of mailing of the statement or notice of assessment serve on the Minister a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

s. 19 (3),
re-enacted

- (2) Subsection 3 of the said section 19 is repealed and the following substituted therefor:

Reconsid-
eration

(3) Upon receipt of the notice of objection, the Minister shall with all due dispatch reconsider the assessment or statement objected to and vacate, confirm or vary the assessment or statement, or reassess or serve a fresh statement, and he shall thereupon notify the person making the objection of his action by registered letter.

s. 20 (1),
re-enacted

9. Subsection 1 of section 20 of the said Act is repealed and the following substituted therefor:

(1) When the Minister has given the notification required ^{Appeal} by subsection 3 of section 19, the person who has served a notice of objection under that section may appeal to the Supreme Court to have the assessment or statement so objected to vacated or varied, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to such person under subsection 3 of section 19, and such appeal shall not be instituted in the Divisional Court.

10. Subsection 1 of section 22 of the said Act, as amended by ^{s. 22 (1),} the Statutes of Ontario, 1975, chapter 9, section 9, is further ^{amended} amended by striking out "and, unless the Court otherwise orders, ready for hearing" in the fifth and sixth lines.

11. Section 38 of the said Act is amended by adding thereto the ^{s. 38,} following subsection: ^{amended}

(8) Where a fine provided for in this Act is imposed on any person as the result of his conviction for the commission ^{Default} of an offence against this Act, a sentence of imprisonment ^{in paying} for not more than one year in default of payment of the ^{fine} fine may also be imposed on such person.

12. Subsection 3 of section 42 of the said Act, as enacted by the ^{s. 42 (3),} Statutes of Ontario, 1975, chapter 9, section 11, is amended ^{amended} by adding thereto the following clauses:

- (d) providing for the rebate of all or part of the tax paid on the purchase of a motor vehicle that is or will be adapted for the transportation of persons who have a permanent physical handicap that renders it impractical for them to use the usual forms of public transportation, if available, provided that such purchasers do not operate or permit the use of such vehicles for profit or as part of any undertaking carried on for gain, and the Minister may determine the conditions on which such rebate may be made and the extent of the adaptation necessary to entitle any person to such rebate;
- (e) determining the basis and method for payment, collection, or accounting for tax on the consumption or use of tangible personal property or a taxable service where such use or consumption frequently or substantially occurs outside Ontario or is alternately or concurrently taxable and exempt;
- (f) providing for the refund of tax paid on the purchase of thermal insulation materials, as defined for

the purposes of paragraph 24b of subsection 1 of section 5, used after the 6th day of April, 1976 to insulate a building the construction of which has been completed, that is occupied permanently or seasonally for residential purposes, and that is not a building to which the exemption conferred by paragraph 24b of subsection 1 of section 5 does not apply.

Commence-
ment

13.—(1) This Act, except subsections 3, 4, 5 and 6 of section 1, subsection 2 of section 2 and subsection 8 of section 3, shall be deemed to have come into force on the 7th day of April, 1976.

Idem

(2) Subsection 2 of section 2 shall be deemed to have come into force on the 8th day of April, 1975.

Idem

(3) Subsections 3, 4, 5 and 6 of section 1 and subsection 8 of section 3 come into force on the 1st day of January, 1977.

Short title

14. This Act may be cited as *The Retail Sales Tax Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Retail Sales Tax Act

1st Reading

April 6th, 1976

2nd Reading

April 12th, 1976

3rd Reading

April 14th, 1976

THE HON. A. K. MEEN
Minister of Revenue

BILL 47

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3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Ontario Guaranteed Annual Income Act, 1974**

THE HON. A. K. MEEN
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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**An Act to amend
The Ontario Guaranteed Annual Income Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subclause vi of clause *d* of section 1 of *The Ontario Guaranteed Annual Income Act, 1974*, being chapter 58, is amended by striking out, s. 1 (d), (vi),
amended

- (a) subclause C;
- (b) the line immediately preceding sub-subclause D;
- (c) sub-subclause D; and
- (d) the six lines immediately preceding subclause vii,

and inserting in lieu thereof the following:

- (C) where the aggregate of the incomes for the base calendar year of the beneficiary and his spouse is equal to or greater than the sum of the amounts described in paragraph 1, 2 or 3 of sub-subclause B,

an amount equal to one-thirty-sixth of the result obtained by subtracting from the sum of,

- 1. the amount of the aggregate of the incomes for the base calendar year of the beneficiary and his spouse, plus
- 2. the amount of the pension that is authorized to be paid in the month under the *Old Age Security Act* R.S.C. 1970,
c. O-6 (Canada), plus

3. the maximum amount of the supplement that is authorized to be paid in the month under the *Old Age Security Act* (Canada) to an unmarried person,

the sum of the amounts described in paragraph 1 or 2 of sub-subclause B plus \$12.00, or

s. 1 (h),
re-enacted

- (2) Clause *h* of the said section 1 is repealed and the following substituted therefor:

(*h*) "eligible person" means a person who,

- (i) has attained 65 years of age or such lesser age as may be prescribed,
- (ii) is actually residing in Ontario and is entitled to receive a supplement that is paid to him or to his credit through the Ontario regional office of the Income Security Branch of the Department of National Health and Welfare of the Government of Canada,
- (iii) has resided in Canada for the ten years immediately preceding the date on which his application is approved or, if he has not so resided in Canada, has either,
 - (A) been present in Canada, prior to those ten years and after attaining 18 years of age, for a continuous period of, or for periods the aggregate of which is, at least equal to three times the aggregate periods of absence from Canada during those ten years, and has resided in Canada for at least one year immediately preceding the date on which his application is approved, or
 - (B) resided in Canada, after attaining 18 years of age and prior to the date on which his application is approved, for a continuous period, or for periods the aggregate of which is, at least forty years,

and

- (iv) has resided in Ontario for a period of one full year immediately prior to the date on which his application is approved or, after attaining 18 years of age and prior to the date on which his application is approved, has resided in Ontario for a continuous period, or for periods the aggregate of which is, at least twenty years.

- (3) Clause *k* of the said section 1 is amended by striking out "and" at the end of subclause ii, by adding "and" at the end of subclause iii and by adding thereto the following subclause:

- (iv) one-quarter of the value of all taxable Canadian dividends,

.

- 2.—(1) Clause *a* of subsection 2 of section 2 of the said Act is amended by adding at the commencement thereof "subject to clause *d*,".

- (2) Clause *d* of subsection 2 of the said section 2 is repealed and the following substituted therefor:

- (*d*) any month prior to the month following the month in which his qualifying date occurs.

3. Subsections 1 and 2 of section 4 of the said Act are repealed and the following substituted therefor:

- (1) Subject to section 2 and subject to the regulations, an application may be approved and increments paid from any date that is prior to that on which the application was received and that is neither earlier than the date one year before the application was received nor earlier than the earliest date in such prior period on which the applicant could be approved as an eligible person, and where the applicant would be an eligible person if his application were approved on or after the day on which his application was received, the application may be approved and increments paid from the first day on or after the receipt of the application on which the applicant could be approved as an eligible person, provided that if the applicant cannot be approved as an eligible person within the three months following the month in which his application was received, his application may be rejected without prejudice to his right to apply again when he can be approved as an eligible person.

s. 8 (8),
amended

- 4.—(1) Subsection 8 of section 8 of the said Act is amended by striking out "*The Family Benefits Act*" in the fifth line and inserting in lieu thereof "*The Ministry of Community and Social Services Act*".

s. 8 (9),
amended

- (2) Subsection 9 of the said section 8 is amended by striking out "*The Family Benefits Act*" in the third line and inserting in lieu thereof "*The Ministry of Community and Social Services Act*".

s. 8 (11),
re-enacted

- (3) Subsection 11 of the said section 8 is repealed and the following substituted therefor:

Interpre-
tation

(11) In this section, "board" means the Social Assistance Review Board established and constituted under the provisions of *The Ministry of Community and Social Services Act*.

R.S.O. 1970,
c. 120

s. 16 (2),
amended

5. Subsection 2 of section 16 of the said Act is amended by adding thereto the following clauses:

(l) altering the provisions of clause *h* of section 1 by reducing or eliminating any period of residence therein specified;

(m) prescribing dates other than those specified in subsection 1 of section 4 as of which the application may be approved before or after it was received.

Commence-
ment

6. This Act shall be deemed to have come into force on the 7th day of April, 1976.

Short title

7. This Act may be cited as *The Ontario Guaranteed Annual Income Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 13 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Ontario Guaranteed Annual
Income Act, 1974

1st Reading

April 6th, 1976

2nd Reading

April 13th, 1976

3rd Reading

May 13th, 1976

THE HON. A. K. MEEN
Minister of Revenue

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Tobacco Tax Act

THE HON. A. K. MEEN
Minister of Revenue

TORONTO

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An Act to amend The Tobacco Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 2 of *The Tobacco Tax Act*, ^{s. 2 (1) (a), re-enacted} being chapter 463 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 16, section 1, is repealed and the following substituted therefor:

(a) seventy-one one-hundredths of 1 cent on every cigarette purchased by him.

2. Section 8 of the said Act is amended by adding thereto the ^{s. 8, amended} following subsection:

(3) For each twelve-month period commencing on the 1st day of April and not earlier than the 1st day of April, 1976, there may be paid to each wholesale dealer designated a collector under this Act or the regulations the lesser of, ^{Compensation to wholesale dealers}

(a) \$500; or

(b) the aggregate of,

- (i) 3 per cent of the tax collected by him in such period and shown in a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected is \$67 or more,
- (ii) \$2 for each return with respect to tax collected by him in such period that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected exceeds \$2 and is less than \$67, and

- (iii) the tax collected by him in such period and shown on a return that is made in accordance with this Act and the regulations and in which the tax shown to have been so collected does not exceed \$2,

as compensation for his services in collecting and remitting the tax imposed by this Act, and such collector may deduct such compensation from the amount otherwise to be remitted to the Treasurer in accordance with this Act and the regulations.

s. 16,
amended

- 3.—(1) Section 16 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 16, section 2, is further amended by adding thereto the following clause:

- (b) providing for compensation to be paid to dealers out of tax collected by them in cases where a dealer is required to complete an inventory under subsection 8 of section 9, and prescribing the conditions under which such compensation will be paid.

s. 16 (i),
amended

- (2) Clause *i* of the said section 16 is amended by striking out "accounts" in the first line and inserting in lieu thereof "amounts".

s. 16,
amended

- (3) The said section 16 is further amended by adding thereto the following subsection:

Regulations

- (2) A regulation is, if it so provides, effective with reference to a period before it was filed.

Commence-
ment

4. This Act shall be deemed to have come into force on the 7th day of April, 1976.

Short title

5. This Act may be cited as *The Tobacco Tax Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

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ANNUAL REPORT OF THE
COMMISSIONER OF THE
BUREAU OF REVENUE
FOR THE YEAR 1900

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An Act to amend
The Tobacco Tax Act

1st Reading

April 6th, 1976

2nd Reading

April 13th, 1976

3rd Reading

April 13th, 1976

THE HON. A. K. MEEN
Minister of Revenue

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting The Central Algoma
Board of Education and Teachers Dispute**

THE HON. T. L. WELLS
Minister of Education

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

THE

1875

BILL 51

1976

An Act respecting The Central Algoma Board of Education and Teachers Dispute

WHEREAS The Central Algoma Board of Education Preamble
and its secondary school teachers have been negotiating terms and conditions of employment; and whereas a strike by the secondary school teachers against the board of education began on the 16th day of February, 1976 and was terminated by the teachers on the 12th day of April, 1976; and whereas the board of education and its secondary school teachers have been unable to make an agreement as to terms and conditions of employment; and whereas the public interest requires that means be found for the settlement of the matters in dispute between the board of education and its secondary school teachers;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "board" means The Central Algoma Board of Education;
- (b) "branch affiliate" means the organization composed of all the teachers employed by the board who are members of The Ontario Secondary School Teachers' Federation;
- (c) "Commission" means the Education Relations Commission established under *The School Boards and Teachers Collective Negotiations Act, 1975*, 1975, c. 72
- (d) "lock-out" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;
- (e) "parties" means the board and the branch affiliate;

(f) "selector" means the selector appointed under this Act;

1975, c. 72

(g) "strike" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;

(h) "teachers" means the secondary school teachers employed on permanent or probationary contracts by the board.

Instructional
days

2. During the period from and including the first school day after the day this Act comes into force to and including the 30th day of June, 1976 and notwithstanding Ontario Regulation 546/73 but only in relation to the teachers to whom this Act applies, the days designated by the board as professional activity days pursuant to Ontario Regulation 546/73 shall not be professional activity days but shall be instructional days within the meaning of that regulation.

Final offer
selection

3.—(1) The parties shall be deemed to have agreed,

(a) to refer all matters remaining in dispute between them that may be provided for in an agreement under *The School Boards and Teachers Collective Negotiations Act, 1975* to a selector for determination under and in accordance with Part V of that Act; and

(b) to not withdraw from the proceedings.

Notice of
appointment
of selector

(2) The parties, within seven days after the day this Act comes into force, shall jointly give written notice to the Commission stating,

(a) the date of appointment and the name and address of the selector; or

(b) that the parties have not appointed the selector and that the parties request the Commission to appoint the selector.

Appointment
of selector by
Commission

(3) Where the parties fail to give a notice to the Commission in accordance with subsection 2 or where the parties request the Commission to appoint the selector, the Commission shall make the appointment and give notice of the appointment of the selector to the parties and the notice shall set out the name and address of the person appointed and the date of the appointment.

(4) Except as otherwise provided in this Act, *The School Boards and Teachers Collective Negotiations Act, 1975* ^{Application of 1975, c. 72} applies to the selector, to the proceedings conducted before him, to the parties and to the teachers.

4.—(1) Notwithstanding subsection 1 of section 51 of *The School Boards and Teachers Collective Negotiations Act, 1975*, ^{Term of agreement} the agreement giving effect to all matters agreed upon by the parties and the decision of the selector shall be for the period commencing on the 1st day of September, 1975 and expiring on the 31st day of August, 1976.

(2) The Commission may, with the concurrence of the selector and the parties, reduce any period of time referred ^{Reduction of time periods} to in section 41, 42, 44, 45 or 48 of *The School Boards and Teachers Collective Negotiations Act, 1975*.

5.—(1) Every person or party that contravenes any provision of this Act is guilty of an offence. ^{Offences}

(2) The provisions of *The School Boards and Teachers Collective Negotiations Act, 1975*, ^{Idem} respecting offences and penalties and the procedures relating thereto apply in respect of a contravention of any provision of this Act.

6. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

7. This Act may be cited as *The Central Algoma Board of Education and Teachers Dispute Act, 1976*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY



An Act respecting
The Central Algoma Board of
Education and Teachers Dispute

1st Reading

April 9th, 1976

2nd Reading

April 13th, 1976

3rd Reading

April 13th, 1976

THE HON. T. L. WELLS
Minister of Education

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting The Sault Ste. Marie
Board of Education and Teachers Dispute**

THE HON. T. L. WELLS
Minister of Education

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL 52

1976

An Act respecting The Sault Ste. Marie Board of Education and Teachers Dispute

WHEREAS The Sault Ste. Marie Board of Education and its secondary school teachers have been negotiating terms and conditions of employment; and whereas a state of strike by the secondary school teachers against the board of education has been in effect since the 5th day of February, 1976; and whereas the board of education and its secondary school teachers have been unable to make an agreement as to terms and conditions of employment; and whereas the public interest, and in particular the interests of students, requires that the secondary school teachers return to and resume their duties and that means be found for the settlement of the matters in dispute between the board of education and its secondary school teachers;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tation
 - (a) "arbitrator" means the arbitrator appointed under this Act;
 - (b) "board" means The Sault Ste. Marie Board of Education;
 - (c) "branch affiliate" means the organization composed of all the teachers employed by the board who are members of The Ontario Secondary School Teachers' Federation;
 - (d) "Commission" means the Education Relations Commission established under *The School Boards and Teachers Collective Negotiations Act, 1975*; 1975, c. 72
 - (e) "lock-out" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;

(f) "parties" means the board and the branch affiliate;

1975, c. 72

(g) "strike" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;

(h) "teachers" means the secondary school teachers employed on permanent or probationary contracts by the board.

Resumption
of employ-
ment and
operation
of schools

2.—(1) The teachers who are on strike against the board shall, on the first Tuesday following the day this Act comes into force, return to and resume their duties in accordance with their contracts of employment and written collective understandings in effect on the 31st day of August, 1975 with the board and the board shall, on the first Tuesday following the day this Act comes into force, resume the employment of such teachers in accordance with such contracts and written collective understandings and resume the normal operation of the schools in which the teachers are employed.

Strike or
lock-out

(2) During the period from and including the first Tuesday following the day this Act comes into force until the day an agreement that is made between the parties or that includes the decision of the arbitrator comes into effect, no teacher shall take part in a strike against the board and the board shall not lock out a teacher.

Exception

(3) Nothing in this Act precludes a teacher from not returning to and resuming his duties with the board for reasons of health or by mutual consent in writing of the teacher and the board.

Arbitration

3.—(1) The parties shall be deemed to have agreed to refer all matters remaining in dispute between them that may be provided for in an agreement under *The School Boards and Teachers Collective Negotiations Act, 1975* to an arbitrator for determination under and in accordance with Part IV of that Act.

Appointment
of arbitrator

(2) The Lieutenant Governor in Council shall forthwith after this Act comes into force appoint the arbitrator referred to in subsection 1.

Notices of
matters
remaining
in dispute

(3) The parties shall each give written notice to the arbitrator within seven days after the day this Act comes into force setting out all the matters the parties have agreed upon for inclusion in an agreement and all the matters remaining in dispute between the parties, and the notice

shall be deemed to be notice to the Commission in accordance with subsection 1 of section 29 of *The School Boards and Teachers Collective Negotiations Act, 1975*. ^{1975, c. 72}

(4) The arbitrator upon receipt of a notice shall examine into and decide all matters that are in dispute between the parties as evidenced by the notices referred to in subsection 3 and any other matters that appear to him to be necessary to be decided in order to make a decision. ^{Procedure}

(5) Except as otherwise provided in this Act, *The School Boards and Teachers Collective Negotiations Act, 1975* applies to the arbitrator, to the proceedings conducted before him, to the parties and to the teachers. ^{Application of 1975, c. 72}

4.—(1) Notwithstanding subsection 1 of section 51 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the agreement giving effect to all matters agreed upon by the parties and the decision of the arbitrator shall be for the period commencing on the 1st day of September, 1975 and expiring on the 31st day of August, 1977. ^{Term of agreement}

(2) Notwithstanding subsection 1 of section 36 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the arbitrator shall complete the consideration of all matters in dispute between the parties and shall report in writing his decision on the matters to the parties and to the Commission within thirty days after his appointment as arbitrator or within such longer period of time as may be provided in writing by the arbitrator and consented to by the Commission. ^{Time for report of arbitrator}

5.—(1) Every person, party or board of education that contravenes any provision of this Act is guilty of an offence. ^{Offences}

(2) The provisions of *The School Boards and Teachers Collective Negotiations Act, 1975*, respecting offences and penalties and the procedures relating thereto apply in respect of a contravention of any provision of this Act. ^{Idem}

6. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

7. This Act may be cited as *The Sault Ste. Marie Board of Education and Teachers Dispute Act, 1976*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR April 14 1976

ASSEMBLY PROROGUED December 16 1976

Roderic Lewis
CLERK
LEGISLATIVE ASSEMBLY

Bill 62

An Act respecting The Sault Ste. Marie
Board of Education and Teachers Dispute

1st Reading

April 13th, 1976

2nd Reading

April 14th, 1976

3rd Reading

April 14th, 1976

THE HON. T. L. WELLS
Minister of Education

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Pauline G. G. L. L.
BILL 54

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 10 of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, is amended by striking out "fifteen" in the fourth line and inserting in lieu thereof "sixty". s. 10 (4),
amended
2. Subsection 3 of section 22 of the said Act is amended by striking out "as an auditor" in the ninth line and inserting in lieu thereof "for services within his professional capacity". s. 22 (3),
amended
3. Subsection 6 of section 29 of the said Act is repealed and the following substituted therefor: s. 29 (6),
re-enacted

(6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of 12 per cent *per annum* or such lower rate as the council of the area municipality determines, from the date payment is due until it is made. Default

4. Subsection 6 of section 52 of the said Act is repealed and the following substituted therefor: s. 52 (6),
re-enacted

(6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of 12 per cent *per annum* or such lower rate as the council of the area municipality determines, from the date payment is due until it is made. Default

5. Subsection 10 of section 65 of the said Act is repealed and the following substituted therefor: s. 65 (10),
re-enacted

Default

(10) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 9, the area municipality may charge the Metropolitan Corporation interest at the rate of 12 per cent *per annum* or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 79a,
re-enacted

6. Section 79a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 89, section 2, is repealed and the following substituted therefor:

Reserved
lanes for
public transit
motor
vehicles, etc.

79a. The Metropolitan Council may by by-law designate any lane on a metropolitan road as solely or principally for use by public transit motor vehicles, taxicabs and private motor vehicles carrying such number of passengers as may be specified in the by-law and prohibit and regulate the use thereof by all other vehicles to such extent and for such period or periods as may be specified and for the purposes of this section, "public transit motor vehicle" means a motor vehicle owned and operated by the Toronto Transit Commission as part of its regular passenger transportation service.

s. 84,
re-enacted

7. Section 84 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 171, section 1, is repealed and the following substituted therefor:

Use of
sidewalks,
etc.,
metropolitan
roads

84. The Metropolitan Council may by by-law empower the council of any area municipality to lease or license the use of sidewalks and untravelled portions of metropolitan roads within the area municipality for such purposes as the council of the area municipality may by lease or licence permit.

s. 95 (3),
re-enacted

8. Subsection 3 of section 95 of the said Act is repealed and the following substituted therefor:

Default

(3) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 1, the area municipality may charge the Metropolitan Corporation interest at the rate of 12 per cent *per annum* or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 112 (3),
re-enacted

9. Subsection 3 of section 112 of the said Act is repealed and the following substituted therefor:

Default

(3) If the Metropolitan Corporation fails to make any payment as required by subsection 1, or if the Commission fails to make any payment as required by subsection 2,

the area municipality may charge the Metropolitan Corporation, or the Metropolitan Corporation may charge the Commission, as the case may be, interest at the rate of 12 per cent *per annum* or such lower rate as the council of the area municipality or the Metropolitan Council determines, from the date payment is due until it is made.

10. Subsection 2 of section 133 of the said Act is repealed and the following substituted therefor: s. 133 (2),
re-enacted

(2) If the Metropolitan Corporation fails to make any payments as required by subsection 1, the area municipality may charge the Metropolitan Corporation interest at the rate of 12 per cent *per annum* or such lower rate as the council of the area municipality determines, from the date payment is due until it is made. Default

11. Subsection 5 of section 147 of the said Act is repealed and the following substituted therefor: s. 147 (5),
re-enacted

(5) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 4, the area municipality may charge the Metropolitan Corporation interest at the rate of 12 per cent *per annum* or such lower rate as the council of the area municipality determines, from the date payment is due until it is made. Default

12. Subsection 6 of section 150 of the said Act is repealed and the following substituted therefor: s. 150 (6),
re-enacted

(6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of 12 per cent *per annum* or such lower rate as the council of the area municipality determines, from the date payment is due until it is made. Default

- 13.—(1) Subsection 3 of section 160 of the said Act is repealed and the following substituted therefor: s. 160 (3),
re-enacted

(3) If the Metropolitan Corporation fails to make any payment as required by subsection 2, the City may charge the Metropolitan Corporation interest at the rate of 12 per cent *per annum* or such lower rate as the council of the City determines, from the date payment is due until it is made. Default

(2) Subsection 5 of the said section 160 is repealed.

s. 160 (5),
repealed

14. Subsection 6 of section 182 of the said Act is repealed and the following substituted therefor: s. 182 (6),
re-enacted

Default

(6) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the Metropolitan Corporation interest at the rate of 12 per cent *per annum* or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 206 (3),
re-enacted

- 15.** Subsection 3 of section 206 of the said Act is repealed and the following substituted therefor:

Default

(3) If the Metropolitan Corporation fails to make any payment as required by clause *b* of subsection 2, the area municipality may charge the Metropolitan Corporation interest at the rate of 12 per cent *per annum* or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 212 (2) (a)
(iii, iv),
re-enacted

- 16.** Subclauses iii and iv of clause *a* of subsection 2 of section 212 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 42, section 13, are repealed and the following substituted therefor:

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted, guaranteed or endorsed by a chartered bank to which the *Bank Act* (Canada) applies,

R.S.C. 1970,
c. B-1

(iv) promissory notes of a metropolitan, regional or district municipality or of a municipality as defined in *The Municipal Affairs Act*, or of a conservation authority established under *The Conservation Authorities Act*; or

R.S.O. 1970,
cc. 118, 78

s. 223 (9),
amended

- 17.—**(1) Subsection 9 of section 223 of the said Act is amended by striking out "at one time and" in the first line.

s. 223 (16),
re-enacted

- (2) Subsection 16 of the said section 223 is repealed and the following substituted therefor:

Debenture
registration
and
retirement
fund
R.S.O. 1970,
c. 284

(16) Subsections 4 and 16 of section 288, sections 289 and 290, and subsections 1 and 2 of section 291a of *The Municipal Act* apply *mutatis mutandis* to the Corporation.

Registration
of
debenture as
to principal
and interest

(16a) Subsection 4 of section 326 of *The Municipal Act* applies and shall be deemed to have always applied, *mutatis mutandis*, to the Metropolitan Corporation.

(16b) The retirement fund for term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 21 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund. Admini-
stration
of retirement
fund

(3) The said section 223, as amended by the Statutes of Ontario, 1975, chapter 22, section 6, is further amended by adding thereto the following subsection: s. 223,
amended

(42) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Metropolitan Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures. Debentures
rank *pari*
passu

18. Subsection 1 of section 241 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 171, section 7 and 1974, chapter 114, section 6, is repealed and the following substituted therefor: s. 241 (1),
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248a and 249, subsection 3 of section 308, and paragraphs 3, 10, 11, 12, 24, 29 and 42 of section 352 of *The Municipal Act*, apply *mutatis mutandis* to the Metropolitan Corporation. Application
of
R.S.O. 1970,
c. 284

19. Section 242 of the said Act is repealed and the following substituted therefor: s. 242,
re-enacted

242. The Metropolitan Council may expend in any year such sum as it may determine for the purpose of diffusing information respecting the advantages of the municipality as an industrial, business, educational, residential or vacation centre. Expenses for
diffusing
information

20. Section 244 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 114, section 7, is repealed. s. 244,
repealed

21. This Act comes into force on the day it receives Royal Assent. Commence-
ment

22. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 15, 1976

ASSEMBLY PROROGUED

December 16, 1976

Roderick Lewis
CLERK

LEGISLATIVE ASSEMBLY

An Act to amend
The Municipality of Metropolitan
Toronto Act

1st Reading

April 14th, 1976

2nd Reading

April 27th, 1976

3rd Reading

June 8th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

Pauline P. L. L.
BILL 55

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

The Regional Municipalities Amendment Act, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

The Regional Municipalities Amendment Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. *The Regional Municipality of Ottawa-Carleton Act*, being ^{s. 7a, enacted} chapter 407 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following section:

7a. Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of *The Municipal Act*, the Municipal Board may, by order, ^{Alteration of wards, etc., by O.M.B.} ^{R.S.O. 1970, c. 284}

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; and
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of

the area municipality, and shall be the head of the council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act.

s. 11 (4),
amended

2. Subsection 4 of section 11 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 138, section 5, is further amended by striking out "thirty" in the fifth line and inserting in lieu thereof "sixty".

s. 25 (3),
amended

3. Subsection 3 of section 25 of the said Act is amended by striking out "as an auditor" in the eighth and ninth lines and inserting in lieu thereof "for services within his professional capacity".

s. 45 (2, 3),
repealed

4. Subsections 2 and 3 of section 45 of the said Act are repealed.

s. 55b (1),
amended

- 5.—(1) Subsection 1 of section 55b of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 126, section 8, is amended by striking out "before it is submitted for approval under *The Highway Traffic Act*" in the sixth and seventh lines.

s. 55b,
amended

- (2) The said section 55b is amended by adding thereto the following subsections:

Regional
Council may
approve
by-law in
whole or
in part

- (1a) A by-law submitted for approval of the Regional Council in compliance with subsection 1 may be approved in whole or in part and, where part of a by-law is approved only, that part only shall become operative.

Withdrawal
of approval

- (1b) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice.

s. 65,
amended

6. Section 65 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 126, section 12 and 1973, chapter 71, section 6, is further amended by adding thereto the following subsection:

Where
Regional
Council has
no objection

- (2a) Where the Regional Council notifies the council of the area municipality that the Regional Council does not object to such stopping up, the Regional Council shall have no further right to object under subsection 2 and the council of the area municipality may proceed to pass a by-law for the stopping up of the highway or part thereof concerned.

7. Subsection 6 of section 67e of the said Act, as enacted by ^{s. 67e (6), re-enacted} the Statutes of Ontario, 1972, chapter 126, section 14, is repealed and the following substituted therefor:

(6) If the Regional Corporation fails to make any payment ^{Default} as required by subsection 5, interest shall be payable thereon at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

8. The said Act is further amended by adding thereto the ^{s. 99a, enacted} following section:

99a.—(1) Where the Regional Corporation has entered ^{Temporary borrowing R.S.O. 1970, c. 332} into an agreement under *The Ontario Water Resources Act* whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council, pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

(2) The proceeds of every advance under this section shall ^{Application of proceeds} be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under *The Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement, such moneys shall be applied first in repayment of the advances.

- 9.—(1) Subsection 9 of section 100 of the said Act is amended ^{s. 100 (9), amended} by striking out "at one time and" in the first line.

- (2) Subsection 30 of the said section 100 is amended by ^{s. 100 (30), amended} adding thereto the following clauses:

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council.

- (3) The said section 100, as amended by the Statutes of ^{s. 100, amended} Ontario, 1972, chapter 126, section 19, is further amended by adding thereto the following subsections:

(42) A money by-law may authorize the issue of debentures ^{Term debentures} of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(43) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures, a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund
adminis-
tration

(44) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 21 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

All
debentures
rank equally

(45) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures.

s. 124 (1),
re-enacted

10. Subsection 1 of section 124 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 138, section 19, and 1974, chapter 117, section 4, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248a, 249 and 254, subsection 3 of section 308, paragraphs 3, 10, 11, 12 and 24 of section 352 and section 391 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 126,
amended

11. Section 126 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 138, section 20, is amended by striking out "and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years" in the fourth, fifth, sixth and seventh lines.

12. Section 127 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 117, section 5, is repealed. s. 127,
repealed
13. Section 141 of the said Act is repealed. s. 141,
repealed

PART II

THE REGIONAL MUNICIPALITY OF NIAGARA

- 14.—(1) Subsection 1a of section 3 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 51, section 1, is repealed. s. 3 (1a),
repealed
- (2) Subsection 5 of the said section 3, as enacted by the Statutes of Ontario, 1974, chapter 30, section 1, is repealed s. 3 (5),
re-enacted and the following substituted therefor:
- (5) Where the Minister has divided or redivided an area municipality into wards by order made under subsection 3, such division or redivision remains in effect until altered by the Municipal Board. Effect of
Minister's
order
- (5a) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of *The Municipal Act*, the Municipal Board may, by order, Alteration
of wards, etc.,
by O.M.B.

R.S.O. 1970,
c. 284
- (a) divide or redivide the area municipality into wards and shall designate the name or number that each ward shall bear and shall declare the date when the division or redivision shall take effect;
 - (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; and
 - (c) vary the composition of the council of the area municipality,
- provided that,
- (d) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of the council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act.

s. 12 (4),
amended

- 15.** Subsection 4 of section 12 of the said Act is amended by striking out "thirty" in the fourth line and inserting in lieu thereof "sixty".

s. 25 (3),
amended

- 16.** Subsection 3 of section 25 of the said Act is amended by striking out "as an auditor" in the eighth and ninth lines and inserting in lieu thereof "for services within his professional capacity".

s. 77 (1),
amended

- 17.—**(1) Subsection 1 of section 77 of the said Act is amended by striking out "before it is submitted for approval under *The Highway Traffic Act*" in the fifth and sixth lines.

s. 77,
amended

- (2) The said section 77 is amended by adding thereto the following subsections:

Regional
Council may
approve
by-law in
whole or
in part

(1a) A by-law submitted for approval of the Regional Council in compliance with subsection 1 may be approved in whole or in part and, where part of a by-law is approved only, that part only shall become operative.

Withdrawal
of approval

(1b) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice.

s. 87 (2),
re-enacted

- 18.** Subsection 2 of section 87 of the said Act is repealed and the following substituted therefor:

Default

(2) If the Regional Corporation fails to make any payment as required by clause *b* of subsection 1, interest shall be payable thereon at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 100 (4),
re-enacted

- 19.** Subsection 4 of section 100 of the said Act is repealed and the following substituted therefor:

Default

(4) If the Regional Corporation fails to make any payment as required by subsection 3, interest shall be payable thereon at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from the date payment is due until it is made.

s. 134a,
enacted

- 20.** The said Act is amended by adding thereto the following section:

Temporary
borrowing
R.S.O. 1970,
c. 332

134a.—(1) Where the Regional Corporation has entered into an agreement under *The Ontario Water Resources Act*,

whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council, pending the receipt of such moneys, may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under *The Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement, such moneys shall be applied first in repayment of the advances.

Application
of proceeds

21.—(1) Subsection 9 of section 135 of the said Act is amended by striking out "at one time and" in the first line.

s. 135 (9),
amended

(2) Subsection 30 of the said section 135 is amended by adding thereto the following clauses:

s. 135 (30),
amended

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council.

(3) The said section 135, as amended by the Statutes of Ontario, 1972, chapter 51, section 13, is further amended by adding thereto the following subsections:

s. 135,
amended

(42) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Term
debentures

(43) In respect of the term debentures, the by-law shall provide for raising,

Amounts to
be raised
annually

(a) in each year of the currency of the term debentures, a sum sufficient to pay the interest on the term debentures; and

(b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly,

will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund
adminis-
tration

(44) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 21 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

All
debentures
rank equally

(45) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures.

s. 135a,
enacted

22. The said Act is further amended by adding thereto the following section:

Debentures
payable on a
fixed date
subject to
the annual
redemption
by lot of a
specified
principal
amount

135a. Notwithstanding any other provision of this Act,

(a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

interest
ceases to
accrue on
date set for
redemption

(b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;

debentures
to be
redeemed
may be
purchased

(c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures

purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book; notice to redeem to be sent by mail
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide; notice to redeem to be published
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and where only portion of debentures payable on fixed date
- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. annual amounts payable to be approximately equal

23. Section 143 of the said Act is amended by adding thereto the following subsections: s. 143, amended

(4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. Registration of debenture as to principal and interest

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. When Debenture Registry Book may be maintained outside Canada

24. Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 14 and s. 154 (1), re-enacted

amended by 1973, chapter 158, section 6, and 1974, chapter 117, section 10, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248a, 249 and 254, subsection 3 of section 308 and section 348, paragraphs 3, 10, 11, 12 and 24 of section 352, paragraph 61 of subsection 1 of section 354 and section 394 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 156,
amended

25. Section 156 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 158, section 7, is further amended by striking out "and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years" in the fifth, sixth and seventh lines.

s. 157,
repealed

26. Section 157 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 117, section 11, is repealed.

PART III

THE REGIONAL MUNICIPALITY OF YORK

s. 3,
amended

27.—(1) Section 3 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 78, section 2, is further amended by adding thereto the following subsection:

Alteration
of wards, etc.,
by O.M.B.

(3a) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of *The Municipal Act*, the Municipal Board may, by order,

R.S.O. 1970,
c. 284

(a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;

(b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect;
or

(c) vary the composition of the council of the area municipality,

provided that,

(d) no order made under this section shall alter the total number of members who represent the area

municipality on the Regional Council as provided for in this Act; and

- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of the council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act.
- (2) The said section 3 is further amended by adding thereto ^{s. 3, amended} the following subsection:
 - (3b) The Minister may, by order, in the year 1976, ^{1976 election, Markham} notwithstanding the provisions of this or any other Act, on the recommendation of the council of the Town of Markham expressed by resolution,
 - (a) provide for the system of election of persons as members of the council of the said Town;
 - (b) provide for the total number of persons to be elected as members of the council of the Town; and
 - (c) vary the date specified in section 17 of *The* ^{1972, c. 95} *Municipal Elections Act, 1972*,

and provisions made under clauses *a* and *b* shall remain in effect until varied by the Municipal Board.

- 28. Subsection 4 of section 12 of the said Act is amended by ^{s. 12 (4), amended} striking out "thirty" in the fourth line and inserting in lieu thereof "sixty".
- 29. Subsection 3 of section 25 of the said Act is amended by ^{s. 25 (3), amended} striking out "as an auditor" in the eighth and ninth lines and inserting in lieu thereof "for services within his professional capacity".
- 30.—(1) Subsection 1 of section 77 of the said Act is amended ^{s. 77 (1), amended} by striking out "before it is submitted for approval under *The Highway Traffic Act*" in the fifth and sixth lines.
- (2) The said section 77 is amended by adding thereto the ^{s. 77, amended} following subsections:
 - (1a) A by-law submitted for approval of the Regional Council in compliance with subsection 1 may be approved ^{Regional Council may approve by-law in whole or in part} in whole or in part and, where part of a by-law is approved only, that part only shall become operative.

Withdrawal
of
approval

(1b) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice.

s. 129a,
enacted

31. The said Act is amended by adding thereto the following section:

Temporary
borrowing
R.S.O. 1970,
c. 332

129a.—(1) Where the Regional Corporation has entered into an agreement under *The Ontario Water Resources Act*, whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council, pending the receipt of any such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Application
of proceeds

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under *The Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement such moneys shall be applied first in repayment of the advances.

s. 130 (9),
amended

32.—(1) Subsection 9 of section 130 of the said Act is amended by striking out "at one time and" in the first line.

s. 130 (30),
amended

(2) Subsection 30 of the said section 130 is amended by adding thereto the following clauses:

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council.

s. 130,
amended

(3) The said section 130, as amended by the Statutes of Ontario, 1972, chapter 78, section 17, is further amended by adding thereto the following subsections:

Term
debentures

(42) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

(43) In respect of the term debentures, the by-law shall provide for raising, Amounts to be raised annually

- (a) in each year of the currency of the term debentures, a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures, which with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(44) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 21 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund. Retirement fund administration

(45) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures. All debentures rank equally

33. The said Act is further amended by adding thereto the following section: s. 130a, enacted

130a. Notwithstanding any other provision of this Act, Debentures payable on a fixed date subject to the annual redemption by lot of a specified principal amount

- (a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;
- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, interest ceases to accrue on date set for redemption

after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;

debentures
to be
redeemed
may be
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to
redeem to
be sent by
mail

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice to
redeem to be
published

- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only
portion of
debentures
payable on
fixed date

- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual
amounts
payable to
be approxi-
mately
equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal.

s. 138,
amended

34. Section 138 of the said Act is amended by adding thereto the following subsections:

Registration
of debenture
as to principal
and interest

- (4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate.

When Debenture Registry Book may be maintained outside Canada

- 35.** Subsection 1 of section 149 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 153, section 1, 1973, chapter 156, section 7 and 1974, chapter 117, section 17, is repealed and the following substituted therefor:

s. 149 (1), re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 246, 248a, 249 and 254, subsection 3 of section 308, section 348 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application of R.S.O. 1970, c. 284

- 36.** Section 151 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 156, section 8, is further amended by striking out "and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years" in the fifth, sixth and seventh lines.
- 37.** Section 152 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 117, section 18, is repealed.

s. 151, amended

s. 152, repealed

PART IV

THE REGIONAL MUNICIPALITY OF WATERLOO

- 38.** Section 3 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is amended by adding thereto the following subsection:

s. 3, amended

(3a) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of *The Municipal Act*, the Municipal Board may, by order,

Alteration of wards, etc., by O.M.B.

R.S.O. 1970, c. 284

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or

- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of the council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act.

s. 13 (4),
amended

- 39.** Subsection 4 of section 13 of the said Act is amended by striking out "thirty" in the fourth line and inserting in lieu thereof "sixty".

s. 26 (3),
amended

- 40.** Subsection 3 of section 26 of the said Act is amended by striking out "as an auditor" in the ninth and tenth lines and inserting in lieu thereof "for services within his professional capacity".

s. 27 (4, 5),
re-enacted

- 41.** Subsections 4 and 5 of section 27 of the said Act are repealed and the following substituted therefor:

Sick leave
credits

(4) Where the Regional Corporation or a local board thereof, before the 1st day of July, 1976, employs, or thereafter is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(5) Where the Regional Corporation or a local board thereof, before the 1st day of July, 1976, employs or thereafter is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board

thereof or a roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

42.—(1) Subsection 1 of section 80 of the said Act is amended by ^{s. 80 (1),} striking out "before it is submitted for approval under *The Highway Traffic Act*" in the fifth and sixth lines. ^{amended}

(2) The said section 80 is amended by adding thereto the ^{s. 80,} following subsections: ^{amended}

(1a) A by-law submitted for approval of the Regional ^{Regional} Council in compliance with subsection 1 may be approved ^{Council may} in whole or in part and, where part of a by-law is approved ^{approve} by-law in ^{by-law in} whole or in ^{whole or in} part, that part only shall become operative. ^{part}

(1b) The Regional Council may withdraw its approval to ^{Withdrawal} any by-law or any part thereof by notice sent by registered ^{of approval} mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice.

43. The said Act is amended by adding thereto the following ^{s. 134a,} section: ^{enacted}

134a.—(1) Where the Regional Corporation has entered ^{Temporary} into an agreement under *The Ontario Water Resources Act* ^{borrowing} whereby the Regional Corporation is entitled to receive ^{R.S.O. 1970,} moneys from the Crown, the Regional Council pending the ^{c. 332} receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

(2) The proceeds of every advance under this section shall ^{Application} be applied to the expenditures incurred in carrying out the ^{of proceeds} agreement made by the Regional Corporation under *The Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement such moneys shall be applied first in repayment of the advances.

44.—(1) Subsection 11 of section 138 of the said Act is amended ^{s. 138 (11),} by striking out "at one time and" in the first line. ^{amended}

(2) Subsection 32 of the said section 138 is amended by ^{s. 138 (32),} adding thereto the following clauses: ^{amended}

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council.

s. 138,
amended

(3) The said section 138 is amended by adding thereto the following subsections:

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

(a) in each year of the currency of the term debentures, a sum sufficient to pay the interest on the term debentures; and

(b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund admin-
istration

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 23 to 43 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

All deben-
tures rank
equally

(47) Notwithstanding the provision of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures.

s. 138a,
enacted

45. The said Act is further amended by adding thereto the following section:

138a. Notwithstanding any other provision of this Act,

Debentures payable on a fixed date subject to the annual redemption by lot of a specified principal amount

- (a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;
- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof; interest ceases to accrue on date set for redemption
- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption; debentures to be redeemed may be purchased
- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book; notice to redeem to be sent by mail
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide; notice to redeem to be published
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot where only portion of debentures payable on fixed date

annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual
amounts
payable to be
approx-
imately
equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal.

s. 146,
amended

- 46.** Section 146 of the said Act is amended by adding thereto the following subsections:

Registration
of debenture
as to principal
and interest

- (4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Where
Debenture
Registry
Book may
be maintained
outside
Canada

- (5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate.

s. 158 (1),
re-enacted

- 47.** Subsection 1 of section 158 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 164, section 3, 1973, chapter 137, section 9 and 1974, chapter 117, section 23, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

- (1) Section 5, Parts XV, XVI, XVII and XXI, sections 246, 248a, 249 and 254, subsection 3 of section 308, section 348 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 160,
amended

- 48.** Section 160 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 137, section 10, is further amended by striking out "and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years" in the fifth, sixth, seventh and eighth lines.

s. 161,
repealed

- 49.** Section 161 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 117, section 24, is repealed.

PART V

THE REGIONAL MUNICIPALITY OF SUDBURY

- 50.** Section 3 of *The Regional Municipality of Sudbury Act, 1972*, ^{s. 3, amended} being chapter 104, as amended by the Statutes of Ontario, 1972, chapter 167, section 1, 1974, chapter 54, section 1 and 1975, chapter 46, section 12, is further amended by adding thereto the following subsection:

(3a) Notwithstanding the provisions of this or any other ^{Alteration of wards, etc., by O.M.B.} Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of *The Municipal Act*, the Municipal Board may, by order, ^{R.S.O. 1970, c. 284}

- (a) divide or redive the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect;
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of the council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act.

- 51.** Subsection 4 of section 13 of the said Act is amended by ^{s. 13 (4), amended} striking out "thirty" in the fourth line and inserting in lieu thereof "sixty".
- 52.** Subsection 3 of section 26 of the said Act is amended by ^{s. 26 (3), amended} striking out "as an auditor" in the ninth line and inserting in lieu thereof "for services within his professional capacity".
- 53.**—(1) Subsection 1 of section 65 of the said Act is amended ^{s. 65 (1), amended} by striking out "before it is submitted for approval under *The Highway Traffic Act*" in the fifth and sixth lines.

s. 65,
amended

- (2) The said section 65 is amended by adding thereto the following subsections:

Regional
Council
may approve
by-law in
whole or in
part

(1a) A by-law submitted for approval of the Regional Council in compliance with subsection 1 may be approved in whole or in part and, where part of a by-law is approved only, that part only shall become operative.

Withdrawal
of approval

(1b) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice.

s. 94a,
enacted

54. The said Act is amended by adding thereto the following section:

Temporary
borrowing
R.S.O. 1970,
c. 332

94a.—(1) Where the Regional Corporation has entered into an agreement under *The Ontario Water Resources Act* whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council, pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Application
of proceeds

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under *The Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement, such moneys shall be applied first in repayment of the advances.

s. 95 (11),
amended

- 55.—(1) Subsection 11 of section 95 of the said Act is amended by striking out "at one time and" in the first line.

s. 95 (32),
amended

- (2) Subsection 32 of the said section 95 is amended by adding thereto the following clauses:

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council.

s. 95,
amended

- (3) The said section 95 is amended by adding thereto the following subsections:

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Term
debentures

(45) In respect of the term debentures, the by-law shall provide for raising,

Amounts to
be raised
annually

- (a) in each year of the currency of the term debentures, a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections 23 to 43 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

Retirement
fund admin-
istration

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures.

All debentures rank
equally

56. The said Act is further amended by adding thereto the following section:

s. 95a,
enacted

95a. Notwithstanding any provision of this Act,

Debentures
payable on a
fixed date
subject to the
annual
redemption
by lot of a
specified
principal
amount

- (a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

interest
ceases to
accrue on
date set for
redemption

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;

debentures
to be
redeemed
may be
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to
redeem to be
sent by mail

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice to
redeem to be
published

- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only
portion of
debentures
payable on
fixed date

- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual
amounts
payable to
be approxi-
mately
equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal.

s. 103,
amended

57. Section 103 of the said Act is amended by adding thereto the following subsections:

(4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Registration
of debenture
as to principal
and interest

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate.

When
Debenture
Registry
Book may be
maintained
outside
Canada

58. Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 139, section 11, and 1974, chapter 117, section 31, is repealed and the following substituted therefor:

s. 115 (1),
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248a, 249 and 254, subsection 3 of section 308, section 348 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

Application
of R.S.O. 1970,
c. 284

59. Section 117 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 117, section 32, is amended by striking out "and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years" in the fifth, sixth, seventh and eighth lines.

s. 117,
amended

60. Section 118 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 117, section 33, is repealed.

s. 118,
repealed

PART VI

THE REGIONAL MUNICIPALITY OF PEEL

61. Section 3 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is amended by adding thereto the following subsections:

s. 3,
amended

(3a) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of *The Municipal Act*, the Municipal Board may, by order,

Alteration
of wards, etc.,
by O.M.B.

R.S.O. 1970,
c. 284

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; and
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act.

s. 13 (4),
amended

- 62.** Subsection 4 of section 13 of the said Act is amended by striking out "thirty" in the fourth line and inserting in lieu thereof "sixty".

s. 26 (3),
re-enacted

- 63.** Subsection 3 of section 26 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 117, section 35, is repealed and the following substituted therefor:

Disquali-
fication
of auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than for services within his professional capacity.

s. 41 (1),
amended

- 64.—(1)** Subsection 1 of section 41 of the said Act is amended by striking out "before it is submitted for approval under *The Highway Traffic Act*" in the fifth and sixth lines.

- (2) The said section 41 is amended by adding thereto the following subsections: s. 41, amended

(1a) A by-law submitted for approval of the Regional Council in compliance with subsection 1 may be approved in whole or in part and, where part of a by-law is approved only, that part only shall become operative. Regional Council may approve by-law in whole or in part

(1b) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. Withdrawal of approval

65. The said Act is amended by adding thereto the following section: s. 91a, enacted

91a.—(1) Where the Regional Corporation has entered into an agreement under *The Ontario Water Resources Act* whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council, pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time. Temporary borrowing R.S.O. 1970, c. 332

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under *The Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement such moneys shall be applied first in repayment of the advances. Application of proceeds

- 66.—(1) Subsection 11 of section 96 of the said Act is amended by striking out "at one time and" in the first line. s. 96 (11), amended

- (2) Subsection 32 of the said section 96 is amended by adding thereto the following clauses: s. 96 (32), amended

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council.

- (3) Subsection 46 of the said section 96 is amended by striking out "25 to 41" in the fourth line and inserting in lieu thereof "23 to 43". s. 96 (46), amended

s. 96,
amended

- (4) The said section 96 is amended by adding thereto the following subsection:

All
debentures
rank equally

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures.

s. 96a,
enacted

- 67.** The said Act is further amended by adding thereto the following section:

Debentures
payable
on a fixed
date subject
to the annual
redemption
by lot of a
specified
principal
amount

96a. Notwithstanding any other provision of this Act,

interest
ceases to
accrue on
date set for
redemption

- (a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;
- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;

debentures
to be
redeemed
may be
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to
redeem to
be sent
by mail

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person,

if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide; notice to redeem to be published
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and where only portion of debentures payable on fixed date
- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. annual amounts payable to be approximately equal

68. Section 104 of the said Act is amended by adding thereto the following subsection: s. 104, amended

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. When Debenture Registry Book may be maintained outside Canada

69. Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 161, section 6, and 1974, chapter 117, section 37, is repealed and the following substituted therefor: s. 115 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 248a, 249, 250, 254, subsection 3 of section 308, section 348 and paragraphs 3, 9, 10, 11, 12, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

70. Subsection 1 of section 117 of the said Act is amended by striking out "and may make annual grants for a period not exceeding five years" in the fourth and fifth lines. s. 117 (1), amended

s. 118,
repealed

- 71.** Section 118 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 117, section 38, is repealed.

PART VII

THE REGIONAL MUNICIPALITY OF HALTON

s. 2 (1) (a),
amended

- 72.** Clause *a* of subsection 1 of section 2 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, is amended by inserting after "municipality" in the second line "successor to The Corporation of the Town of Burlington".

s. 3,
amended

- 73.** Section 3 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 162, section 2, is further amended by adding thereto the following subsection:

Alteration
of wards,
etc., by
O.M.B.

R.S.O. 1970,
c. 284

(3a) Upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of *The Municipal Act*, the Municipal Board may, by order,

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; and
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act.

s. 13 (4),
amended

- 74.** Subsection 4 of section 13 of the said Act is amended by striking out "thirty" in the fourth line and inserting in lieu thereof "sixty".

- 75.** Subsection 3 of section 26 of the said Act is amended by striking out "as an auditor" in the ninth line and inserting in lieu thereof "for services within his professional capacity". s. 26 (3),
amended
- 76.**—(1) Subsection 1 of section 41 of the said Act is amended by striking out "before it is submitted for approval under *The Highway Traffic Act*" in the fifth and sixth lines. s. 41 (1),
amended
- (2) The said section 41 is amended by adding thereto the following subsections: s. 41,
amended
- (1a) A by-law submitted for approval of the Regional Council in compliance with subsection 1 may be approved in whole or in part and, where part of a by-law is approved only, that part only shall become operative. Regional
Council
may approve
by-law in
whole or
in part
- (1b) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. Withdrawal
of approval
- 77.** The said Act is amended by adding thereto the following section: s. 91a,
enacted
- 91a.**—(1) Where the Regional Corporation has entered into an agreement under *The Ontario Water Resources Act*, whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council pending the receipt of any such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time. Temporary
borrowing
R.S.O. 1970,
c. 332
- (2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under *The Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement, such moneys shall be applied first in repayment of the advances. Application
of proceeds
- 78.**—(1) Subsection 11 of section 96 of the said Act is amended by striking out "at one time and" in the first line. s. 96 (11),
amended
- (2) Subsection 32 of the said section 96 is amended by adding thereto the following clauses: s. 96 (32),
amended
- (e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council.

s. 96 (46),
amended

(3) Subsection 46 of the said section 96 is amended by striking out "25 to 41" in the fourth line and inserting in lieu thereof "23 to 43".

s. 96,
amended

(4) The said section 96 is amended by adding thereto the following subsection:

All
debentures
rank equally

(47) Notwithstanding the provisions of any general or special Act or any difference in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures.

s. 96a,
enacted

79. The said Act is further amended by adding thereto the following section:

96a. Notwithstanding any other provisions of this Act,

Debentures
payable on
a fixed date
subject to
the annual
redemption
by lot of a
specified
principal
amount

(a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

interest
ceases to
accrue on
date set for
redemption

(b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;

debentures
to be
redeemed
may be
purchased

(c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price

or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book; notice to redeem to be sent by mail
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide; notice to redeem to be published
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and where only portion of debentures payable on fixed date
- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. annual amounts payable to be approximately equal

80. Section 104 of the said Act is amended by adding thereto the following subsection: s. 104, amended

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. When Debenture Registry Book may be maintained outside Canada

81. Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 162, section 8, and 1974, chapter 117, section 42, is repealed and the following substituted therefor: s. 115 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 248a, 249, 250, 254, subsection 3 of section 308 and section 348 and paragraphs 3, 9, 10, 11, 12, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and Application of R.S.O. 1970, c. 284

XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 117 (1),
amended

- 82.** Subsection 1 of section 117 of the said Act is amended by striking out "and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years" in the fourth, fifth, sixth and seventh lines.

s. 118,
repealed

- 83.** Section 118 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 117, section 43, is repealed.

PART VIII

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

s. 3,
amended

- 84.—(1)** Section 3 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is amended by adding thereto the following subsection:

Alteration
of wards, etc.,
by O.M.B.

(3a) Upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of *The Municipal Act*, the Municipal Board may, by order,

R.S.O. 1970,
c. 284

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; and
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of the council of the area municipality, and shall be a

member of the Regional Council, as provided for in this Act.

- (2) The said section 3 is further amended by adding thereto ^{s. 3, amended} the following subsection:

(3b) The Minister may, by order, in the year 1976, ^{1976 election, Glanbrook} notwithstanding the provisions of this or any other Act, on the recommendation of the council of the Township of Glanbrook expressed by resolution,

(a) provide for the system of election of persons as members of the council of the said Township;

(b) provide for the method of election of the representative of the Township to the Regional Council;

(c) provide for the total number of persons to be elected as members of the council of the Township; and

(d) vary the date specified in section 17 of *The Municipal Elections Act, 1972*, ^{1972, c. 95}

and provisions made under clauses *a*, *b*, and *c* shall remain in effect until varied by the Municipal Board.

85. Subsection 4 of section 13 of the said Act is amended by ^{s. 13 (4), amended} striking out "thirty" in the fourth line and inserting in lieu thereof "sixty".

86. Subsection 3 of section 26 of the said Act is amended by ^{s. 26 (3), amended} striking out "as an auditor" in the ninth and tenth lines and inserting in lieu thereof "for services within his professional capacity".

- 87.—(1) Subsection 1 of section 41 of the said Act is amended by ^{s. 41 (1), amended} striking out "before it is submitted for approval under *The Highway Traffic Act*" in the fifth and sixth lines.

- (2) The said section 41 is amended by adding thereto ^{s. 41, amended} the following subsections:

(1a) A by-law submitted for approval of the Regional Council in compliance with subsection 1 may be approved ^{Regional Council may approve by-law in whole or in part} in whole or in part and, where part of a by-law is approved only, that part only shall become operative.

(1b) The Regional Council may withdraw its approval to ^{Withdrawal of approval} any by-law or any part thereof by notice sent by registered

mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice.

s. 91a,
enacted

88. The said Act is amended by adding thereto the following section:

Temporary
borrowing
R.S.O. 1970,
c. 332

91a.—(1) Where the Regional Corporation has entered into an agreement under *The Ontario Water Resources Act* whereby the Regional Corporation is entitled to receive moneys from the Crown, the Region Council pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Application
of proceeds

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under *The Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement such moneys shall be applied first in repayment of the advances.

s. 96 (11),
amended

89.—(1) Subsection 11 of section 96 of the said Act is amended by striking out “at one time and” in the first line.

s. 96 (32),
amended

(2) Subsection 32 of the said section 96 is amended by adding thereto the following clauses:

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council.

s. 96 (46),
amended

(3) Subsection 46 of the said section 96 is amended by striking out “25 to 41” in the fourth line and inserting in lieu thereof “23 to 43”.

s. 96,
amended

(4) The said section 96 is amended by adding thereto the following subsection:

All
debentures
rank equally

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except

as to the availability of any sinking funds applicable to any particular issue of debentures.

90. The said Act is further amended by adding thereto the following section: s. 96a,
enacted

96a. Notwithstanding any other provision of this Act,

- (a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section; Debentures payable on a fixed date subject to the annual redemption by lot of a specified principal amount
- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof; interest ceases to accrue on date set for redemption
- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption; debentures to be redeemed may be purchased
- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book; notice to redeem to be sent by mail
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date notice to redeem to be published

set for such redemption in such manner as the by-law may provide;

where only
portion of
debentures
payable on
fixed date

- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual
amounts
payable to
be approxi-
mately equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal payable in each year during the currency of debentures issued under this section shall be approximately equal.

s. 104,
amended

- 91.** Section 104 of the said Act is amended by adding thereto the following subsection:

When
Debenture
Registry
Book
may be
maintained
outside
Canada

- (5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate.

s. 115 (1),
re-enacted

- 92.** Subsection 1 of section 115 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 163, section 7 and 1974, chapter 117, section 47, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

- (1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 248a, 249, 250, 254, subsection 3 of section 308 and section 348 and paragraphs 3, 9, 10, 11, 12, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

s. 117 (1),
amended

- 93.** Subsection 1 of section 117 of the said Act is amended by striking out "and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years" in the fourth, fifth, sixth and seventh lines.

94. Section 118 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 117, section 48, is repealed. s. 118,
repealed

95. The following are repealed:

Repeals

1. *An Act to incorporate a joint stock company for the purpose of supplying the City of Hamilton with Water*, being CAP LXVI of the Statutes of the Province of Canada, 1852.
2. *An Act to vest in The Corporation of the City of Hamilton the Waterworks of that City*, being CAP LVI of the Statutes of the Province of Canada, 1861.
3. *An Act to amend the Acts relating to the Waterworks of the City of Hamilton*, being chapter 59 of the Statutes of Ontario, 1885.

PART IX

THE REGIONAL MUNICIPALITY OF DURHAM

96. Section 3 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, is amended by adding thereto the following subsection: s. 3,
amended

(3a) Upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of *The Municipal Act*, the Municipal Board may, by order, Alteration
of wards, etc.,
by O.M.B.

R.S.O. 1970,
c. 284

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; and
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council, as provided for in this Act; and

(e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of the council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act.

s. 13 (4),
amended

97. Subsection 4 of section 13 of the said Act is amended by striking out "thirty" in the fourth line and inserting in lieu thereof "sixty".

s. 26 (3),
amended

98. Subsection 3 of section 26 of the said Act is amended by striking out "as an auditor" in the ninth and tenth lines and inserting in lieu thereof "for services within his professional capacity".

s. 42 (1),
amended

99.—(1) Subsection 1 of section 42 of the said Act is amended by striking out "before it is submitted for approval under *The Highway Traffic Act*" in the fifth and sixth lines.

s. 42,
amended

(2) The said section 42 is amended by adding thereto the following subsections:

Regional
Council
may approve
by-law in
whole or
in part

(1a) A by-law submitted for approval of the Regional Council in compliance with subsection 1 may be approved in whole or in part, and where part of a by-law is approved only, that part only shall become operative.

Withdrawal
of approval

(1b) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice.

s. 103a,
enacted

100. The said Act is amended by adding thereto the following section:

Temporary
borrowing
R.S.O. 1970,
c. 332

103a.—(1) Where the Regional Corporation has entered into an agreement under *The Ontario Water Resources Act* whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council, pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Application
of proceeds

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under *The Ontario Water Resources Act*, but the lender shall not be

bound to see the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement such moneys shall be applied first in repayment of the advances.

101.—(1) Subsection 11 of section 104 of the said Act is amended s. 104 (11),
amended by striking out "at one time and" in the first line.

(2) Subsection 32 of the said section 104 is amended by s. 104 (32),
amended adding thereto the following clauses:

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council.

(3) Subsection 46 of the said section 104 is amended by s. 104 (46),
amended striking out "25 to 41" in the fourth line and inserting in lieu thereof "23 to 43".

(4) The said section 104 is amended by adding thereto the s. 104,
amended following subsection:

(47) Notwithstanding the provisions of any general or All
debentures
rank equally special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures.

102. The said Act is further amended by adding thereto the s. 104a,
enacted following section:

104a. Notwithstanding any other provisions of this Act, Debentures
payable on
a fixed date
subject to
the annual
redemption
by lot of
a specified
principal
amount

(a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

interest
ceases to
accrue on
date set for
redemption

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;

debentures
to be
redeemed
may be
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to
redeem to
be sent by
mail

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice to
redeem to
be published

- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only
portion of
debentures
payable on
fixed date

- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual
amounts
payable to
be approxi-
mately equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal.

s. 112,
amended

103. Section 112 of the said Act is amended by adding thereto the following subsection:

When
Debenture
Registry
Book
may be
maintained
outside
Canada

- (5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the

Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate.

- 104.** Subsection 1 of section 123 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 147, section 10 and 1974, chapter 117, section 52, is repealed and the following substituted therefor:

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 248a, 249, 250 and 254, subsection 3 of section 308 and section 348 and paragraphs 3, 9, 10, 11, 12, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

- 105.** Subsection 1 of section 125 of the said Act is amended by striking out "and may make annual grants for such purposes" in the fourth and fifth lines.

- 106.** Section 126 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 117, section 53, is repealed.

PART X

THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

- 107.** Section 3 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, is amended by adding thereto the following subsection:

(3a) Upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of *The Municipal Act*, the Municipal Board may, by order,

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; and

- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council, as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of the council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act.

s. 13 (4),
amended

- 108.** Subsection 4 of section 13 of the said Act is amended by striking out "thirty" in the fourth line and inserting in lieu thereof "sixty".

s. 26 (3),
amended

- 109.** Subsection 3 of section 26 of the said Act is amended by striking out "as an auditor" in the ninth line and inserting in lieu thereof "for services within his professional capacity".

s. 41 (1),
amended

- 110.—(1)** Subsection 1 of section 41 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "before it is submitted for approval under *The Highway Traffic Act*" in the fifth and sixth lines.

s. 41,
amended

- (2) The said section 41 is amended by adding thereto the following subsections:

Regional
Council
may approve
by-law in
whole or
in part

- (1a) A by-law submitted for approval of the Regional Council in compliance with subsection 1 may be approved in whole or in part, and where part of the by-law is approved only, that part only shall become operative.

Withdrawal
of approval

- (1b) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality, and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice.

s. 99a,
enacted

- 111.** The said Act is amended by adding thereto the following section:

99a.—(1) Where the Regional Corporation has entered into an agreement under *The Ontario Water Resources Act* whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council, pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Temporary
borrowing
R.S.O. 1970,
c. 332

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under *The Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement such moneys shall be applied first in repayment of the advances.

Application
of proceeds

112.—(1) Subsection 11 of section 100 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "at one time and" in the first line.

s. 100 (11),
amended

(2) Subsection 32 of the said section 100 is amended by adding thereto the following clauses:

s. 100 (32),
amended

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council.

(3) Subsection 46 of the said section 100 is amended by striking out "25 to 41" in the fourth line, and inserting in lieu thereof "23 to 43".

s. 100 (46),
amended

(4) The said section 100 is amended by adding thereto the following subsection:

s. 100,
amended

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures.

All
debentures
rank equally

113. The said Act is further amended by adding thereto the following section:

s. 100a,
enacted

Debentures payable on a fixed date subject to the annual redemption by lot of a specified principal amount

100a. Notwithstanding any other provision of this Act,

interest ceases to accrue on date set for redemption

debentures to be redeemed may be purchased

notice to redeem to be sent by mail

notice to redeem to be published

where only portion of debentures payable on fixed date

- (a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;
- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;
- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;
- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation

of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

- (g) the aggregate amounts of principal and interest, ^{annual amounts payable to be approximately equal} or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal.

- 114.** Section 108 of the said Act, as enacted by the Statutes of ^{s. 108, amended} Ontario, 1973, chapter 155, section 4, is amended by adding thereto the following subsection:

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. ^{When Debenture Registry Book may be maintained outside Canada}

- 115.** Subsection 1 of section 119 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4 and amended by 1974, chapter 117, section 57, is repealed and the following substituted therefor: ^{s. 119(1), re-enacted}

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, ^{Application of R.S.O. 1970, c. 284} subsections 1, 4 and 5 of section 237, sections 238, 239, 245, 248a, 249, 250, 254, subsection 3 of section 308 and section 348 and paragraphs 3, 9, 10, 11, 12, 24, 63, 64, 65, 66, 67 and 74 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

- 116.** Subsection 1 of section 121 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is amended by striking out "and may make annual grants for such purposes" in the fourth and fifth lines. ^{s. 121(1), amended}

- 117.** Section 122 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, and amended by 1974, chapter 117, section 58, is repealed. ^{s. 122, repealed}

MISCELLANEOUS

- 118.**—(1) This Act, except subsection 2 of section 27 and subsection 2 of section 84, comes into force on the day it receives Royal Assent. ^{Commencement}

Idem

(2) Subsection 2 of section 27 and subsection 2 of section 84 shall be deemed to have come into force on the 31st day of March, 1976.

Short title

119. This Act may be cited as *The Regional Municipalities Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 15 1976

ASSEMBLY PROROGUED

December 16 1976

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

The Regional Municipalities
Amendment Act, 1976

1st Reading

April 14th, 1976

2nd Reading

June 1st, 1976

3rd Reading

June 8th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 56

Pauline R. R. S. K.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Dead Animal Disposal Act

THE HON. W. NEWMAN
Minister of Agriculture and Food

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 56

1976

An Act to amend The Dead Animal Disposal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Dead Animal Disposal Act*, being chapter 105 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 60, section 4, is further amended by adding thereto the following subsection:

s. 4,
amended

(4) No person shall give, sell, offer for sale, process, transport or deliver to any person as food for human consumption meat obtained from a dead animal. Prohibition
against
sale, etc.
2. Section 11 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 60, section 8, is further amended by adding thereto the following clause:

s. 11,
amended

(aa) prescribing grounds for the refusal to renew, suspension or revocation of licences in addition to those grounds mentioned in clauses *a* and *b* of subsection 1 of section 5b.
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Dead Animal Disposal Amendment Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR April 23, 1976

ASSEMBLY PROROGUED December 16, 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Dead Animal Disposal Act

1st Reading

April 14th, 1976

2nd Reading

April 20th, 1976

3rd Reading

April 20th, 1976

THE HON. W. NEWMAN
Minister of Agriculture and Food

BILL 60

Pauline G. G. G. G.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend The Residential Premises Rent
Review Act, 1975 (2nd Session)**

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 60

1976

An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Residential Premises Rent Review Act, 1975* ^{s. 1, amended} (2nd Session), being chapter 12, is amended by adding thereto the following subsection:

(2) For the purposes of this Act, where the rent is ^{Renewal of periodic tenancy} increased in respect of residential premises occupied under a tenancy agreement for a periodic tenancy, the tenancy agreement shall be deemed to be renewed on the date the increase in the rent takes effect.

- 2.—(1) Subsection 2 of section 5 of the said Act, is amended by ^{s. 5 (2), amended} adding at the commencement thereof "Subject to subsection 2a and".

- (2) The said section 5, as amended by the Statutes of ^{s. 5, amended} Ontario, 1976, chapter 2, section 2, is further amended by adding thereto the following subsection:

(2a) Where no order of a Rent Review Officer is in effect, ^{Second increase in same year} no increase permitted under subsection 2 shall be charged to take effect within one year after the latest date upon which an increase within the limit prescribed by subsection 1 takes effect, except upon the order of a Rent Review Officer applied for under subsection 3.

- (3) Subsection 3 of the said section 5, as amended by the ^{s. 5 (3), amended} Statutes of Ontario, 1976, chapter 2, section 2, is further amended by striking out "or 2" in the sixth line and inserting in lieu thereof "2 or 2a".

- (4) Subsection 4 of the said section 5, as amended by the ^{s. 5 (4), amended} Statutes of Ontario, 1976, chapter 2, section 2, is further

amended by striking out "and 2" in the tenth line and inserting in lieu thereof "2 and 2a".

s. 5 (5) (a),
amended

- (5) Clause *a* of subsection 5 of the said section 5 is amended by striking out "and 2" in the fourth line and inserting in lieu thereof "2 and 2a".

s. 7 (3) (c),
amended

3. Clause *c* of subsection 3 of section 7 of the said Act is amended by adding at the end thereof "and so continue until the full amount of the order has been satisfied".

s. 8,
amended

4. Section 8 of the said Act is amended by striking out "and 2" in the third line and inserting in lieu thereof "2 and 2a".

s. 14 (1),
amended

- 5.—(1) Subsection 1 of section 14 of the said Act is amended by adding thereto the following clauses:

(aa) situate in a building or project owned or operated by,

R.S.O. 1970,
c. 378

(i) a hospital approved under *The Public Hospitals Act* as a public hospital,

(ii) a religious institution for a charitable use on a non-profit basis, or

(iii) a non-profit educational institution for the purpose of providing accommodation for its students or staff for educational purposes, except that, where the tenant is a student or a member of the staff at the institution and the students or staff, as the case may be, have a recognized council or association, this exemption does not apply in respect of a rent increase unless the institution files with the Rent Review Officer, before notice of the rent increase is given, a statement certifying that there has been consultation with the council or association, as the case may be, respecting the increase;

(ab) situate in a building or project owned, operated or administered by or on behalf of the Government of Canada or Ontario or a municipality including a regional, district or metropolitan municipality, or any agency thereof;

(d) that is a mobile home or mobile home site that was not occupied as residential premises before the 1st day of January, 1976.

- (2) Clause *c* of subsection 1 of the said section 14 is amended ^{s. 14 (1) (c),} amended by inserting after "as" in the second line "rented".
- (3) Every order made under *The Residential Premises Rent Review Act, 1975 (2nd Session)* before this Act receives ^{Previous orders annulled 1975 (2nd Sess.), c. 12} Royal Assent in respect of premises exempted by subsection 1 is void and of no effect.
6. Clause *b* of subsection 1 of section 16 of the said Act is ^{s. 16 (1) (b),} amended by inserting after "tenant" in the first line "or by a tenant to a tenant".
7. Section 17 of the said Act is amended by striking out " or 2" ^{s. 17, amended} in the second line and inserting in lieu thereof "2 or 2a".
- 8.—(1) This Act, except sections 1 and 5, comes into force on the ^{Commence-ment} day it receives Royal Assent.
- (2) Sections 1 and 5 shall be deemed to have come into force ^{Idem} on the 29th day of July, 1975.
9. This Act may be cited as *The Residential Premises Rent Review Amendment Act, 1976*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR

July 21 1976

ASSEMBLY PROROGUED

December 16 1976

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

MEMORANDUM FOR THE RECORD

Subject: [Illegible]

Reference is made to [Illegible]

It is recommended that [Illegible]

The [Illegible]

Very truly yours,

[Illegible Signature]

ENCLOSURE

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

Published by the American Medical Association
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Number 1

January 1, 1916

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 535 North Dearborn Street, Chicago, Ill.

Subscription price, \$5.00 per annum in advance.

An Act to amend
The Residential Premises Rent
Review Act, 1975 (2nd Session)

1st Reading

April 22nd, 1976

2nd Reading

May 4th, 1976

3rd Reading

May 20th, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

BILL 62

Pauline L. L. L.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Planning Act

THE HON. J. R. RHODES
Minister of Housing

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 3 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 168, section 2, is repealed and the following substituted therefor:

s. 3 (2),
re-enacted

(2) Where a planning area consists of part or all of one or more municipalities and territory without municipal organization, every appointment to the planning board of the planning area is subject to the approval of the Minister.

Where
unorganized
territory

- 2.—(1) Clause *c* of subsection 4 of section 29 of the said Act is repealed and the following substituted therefor:

s. 29 (4) (c),
re-enacted

(c) the land or any use of or right therein is being acquired for the construction of a transmission line or utility line, both as defined in *The Ontario Energy Board Act*, and in respect of which the person acquiring the land or any use of or right therein has made a declaration that it is being acquired for such purpose, which shall be conclusive evidence that it is being acquired for such purpose; or

R.S.O. 1970,
c. 312

- (2) Subsection 5*e* of the said section 29, as enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 18, section 1, is repealed and the following substituted therefor:

s. 29 (5*e*),
re-enacted

(5*e*) No foreclosure of or exercise of a power of sale in a mortgage or charge shall have any effect in law without the approval of the Minister unless all of the

Foreclosure
or
exercise of
power of
sale, when
approval
of Minister
required

land subject to such mortgage or charge is included in the foreclosure or exercise of the power of sale, as the case may be, but this subsection does not apply where the land foreclosed or in respect of which the power of sale is exercised comprises only,

- (a) the whole of one or more lots or blocks within one or more registered plans of subdivision; or
- (b) one or more parcels of land that do not abut any other parcel of land that is subject to the same mortgage or charge.

s. 29,
amended

- (3) The said section 29, as amended by the Statutes of Ontario, 1971, chapter 2, section 1, 1972, chapter 118, section 3, 1973, chapter 168, section 6, 1974, chapter 53, section 4 and 1975 (2nd Session), chapter 18, section 1, is further amended by adding thereto the following subsection:

Agreements

(12a) Every municipality and the Minister may enter into agreements imposed as a condition to the giving of a consent and any such agreement may be registered against the land to which it applies and the municipality or the Minister, as the case may be, shall be entitled to enforce the provisions thereof against the owner and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

R.S.O. 1970,
cc. 409, 234

s. 29 (14),
repealed

- (4) Subsection 14 of the said section 29 is repealed.

s. 35c,
enacted

3. The said Act is amended by adding thereto the following section:

Interpre-
tation

35c.—(1) In this section,

- (a) "mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed;
- (b) "parcel of land" means a lot or block within a registered plan of subdivision or any land that may be legally conveyed under the exemption provided in clause *b* of subsection 2 or clause *a* of subsection 4 of section 29.

One mobile
home per
parcel of
land

(2) Unless otherwise authorized by a by-law in force under section 35 or an order of the Minister made under clause *a* of subsection 1 of section 32, no person shall erect or locate or use or cause to be erected, located or used, a mobile home except on a parcel of land as

defined in clause *b* of subsection 1, and in no case except as otherwise so authorized shall any person erect, locate or use or cause to be erected, located or used more than one mobile home on any such parcel of land.

(3) This section does not apply to prevent the continued ^{Saving} use in the same location of any mobile home that,

- (a) is erected or located and in use prior to the 1st day of June, 1977; or
- (b) is erected or located in accordance with a building permit issued prior to the 1st day of June, 1977.

(4) Every person who contravenes this section is guilty ^{Offence} of an offence and on summary conviction is liable to a fine of not more than \$1,000.

(5) In addition to any other remedy or penalty provided ^{Right to restrain} by law, any contravention of this section may be restrained by action at the instance of the Minister or the municipality in which the contravention took place or any adjoining municipality or any ratepayer of any such municipality or adjoining municipality and, where the contravention took place in territory without municipal organization, the action may be taken at the instance of the Minister or any resident of such territory or any adjoining municipality or any ratepayer of any adjoining municipality.

4. Subsection 2 of section 44b of the said Act, as re-enacted ^{s. 44b (2), re-enacted} by the Statutes of Ontario, 1974, chapter 53, section 8, is repealed and the following substituted therefor:

(2) The Minister on the request of a council may by ^{Delegation of Minister's powers} order delegate to the council any of the Minister's authority under this Act, under section 24 of *The Condominium Act*, under subsection 8 of section 443 and subsection 2 of section 450 of *The Municipal Act* and under subsection 4 of section 86 of *The Registry Act* and where the Minister has delegated any such authority, the council has, in lieu of the Minister, all the powers and rights of the Minister in respect thereof and the council shall be responsible for all matters pertaining thereto, including, without limiting the generality of the foregoing, the referral of any matter to the Municipal Board.

5.—(1) This Act, except subsection 2 of section 2, comes into ^{Commencement} force on the day it receives Royal Assent.

(2) Subsection 2 of section 2 shall be deemed to have ^{Idem} come into force on the 18th day of December, 1975.

6. This Act may be cited as *The Planning Amendment Act, 1976*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR June 7 1976

62 ASSEMBLY PROROGUED December 16 1976

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

1. The first part of the paper is devoted to a general discussion of the problem of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β .

2. In the second part we consider the case of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β and show that the system of equations (1) has solutions for arbitrary values of the parameters α and β if and only if the conditions (2) are satisfied.

3. In the third part we consider the case of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β and show that the system of equations (1) has solutions for arbitrary values of the parameters α and β if and only if the conditions (2) are satisfied.

4. In the fourth part we consider the case of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β and show that the system of equations (1) has solutions for arbitrary values of the parameters α and β if and only if the conditions (2) are satisfied.

5. In the fifth part we consider the case of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β and show that the system of equations (1) has solutions for arbitrary values of the parameters α and β if and only if the conditions (2) are satisfied.

6. In the sixth part we consider the case of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β and show that the system of equations (1) has solutions for arbitrary values of the parameters α and β if and only if the conditions (2) are satisfied.

7. In the seventh part we consider the case of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β and show that the system of equations (1) has solutions for arbitrary values of the parameters α and β if and only if the conditions (2) are satisfied.

8. In the eighth part we consider the case of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β and show that the system of equations (1) has solutions for arbitrary values of the parameters α and β if and only if the conditions (2) are satisfied.

9. In the ninth part we consider the case of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β and show that the system of equations (1) has solutions for arbitrary values of the parameters α and β if and only if the conditions (2) are satisfied.

10. In the tenth part we consider the case of the existence of solutions of the system of equations (1) for arbitrary values of the parameters α and β and show that the system of equations (1) has solutions for arbitrary values of the parameters α and β if and only if the conditions (2) are satisfied.

Received of the Treasurer of the

Sum of \$100.00

for the year ending

1880

An Act to amend
The Planning Act

1st Reading

April 27th, 1976

2nd Reading

May 25th, 1976

3rd Reading

May 25th, 1976

THE HON. J. R. RHODES
Minister of Housing

Pauline
BILL 64

Pauline
Leg. Bill

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Housing Development Act

THE HON. J. R. RHODES
Minister of Housing

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO

An Act to amend The Housing Development Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsections 1 and 2 of section 2a of *The Housing Development Act*, being chapter 213 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 31, section 3, are repealed and the following substituted therefor: s. 2a (1, 2), re-enacted

(1) The Minister, out of the moneys appropriated therefor Grants or loans by the Legislature, may make grants or loans to a municipality or to any person on such terms and conditions and in such amounts as are prescribed by the regulations to assist in the repair, rehabilitation, improvement or conversion of real property used or to be used for residential purposes.

(2) Where a municipality uses moneys received from the Minister under subsection 1 to make a loan to an owner of real property used or to be used for residential purposes for the purposes referred to in subsection 1, the amount of the loan, together with interest at a rate to be determined in accordance with the regulations, may be added by the clerk of the municipality to the collector's roll and collected in like manner as municipal taxes over a period fixed by the council, and such amount and interest shall, until payment thereof, be a lien or charge upon the land in respect of which the loan has been made. Lien

- (2) The said section 2a is amended by adding thereto the following subsection: s. 2a, amended

(4) As an alternative or in addition to adding the amount of the loan and interest to the collector's roll and registering a certificate in respect thereof as provided in subsections 2 and 3, the municipality may take from Promissory note

the owner a promissory note as security for the repayment of the amount loaned and interest thereon.

s. 6 (2),
re-enacted

2. Subsection 2 of section 6 of the said Act is repealed and the following substituted therefor:

Corporation
to carry
out building
developments
and housing
projects

(2) The Lieutenant Governor in Council may constitute corporations with such powers and duties as are deemed expedient to carry out any of the terms of any agreement made under subsection 1, or to carry out any building development or housing project, including power to plan, construct, and manage any building development or any housing project undertaken under any such agreement or otherwise, and including power to acquire and dispose of land in its own name.

s. 17 (1) (a),
amended

3. Clause *a* of subsection 1 of section 17 of the said Act is amended by adding at the end thereof "or for providing financial assistance to or for the benefit of any occupant or any class or classes of occupant of housing accommodation to assist in the payment of rent, mortgage payments or other charges relating to the occupancy of such accommodation".

Commence-
ment

- 4.—(1) This Act, except subsection 1 of section 1, comes into force on the day it receives Royal Assent.

Idem

- (2) Subsection 1 of section 1 shall be deemed to have come into force on the 18th day of June, 1974.

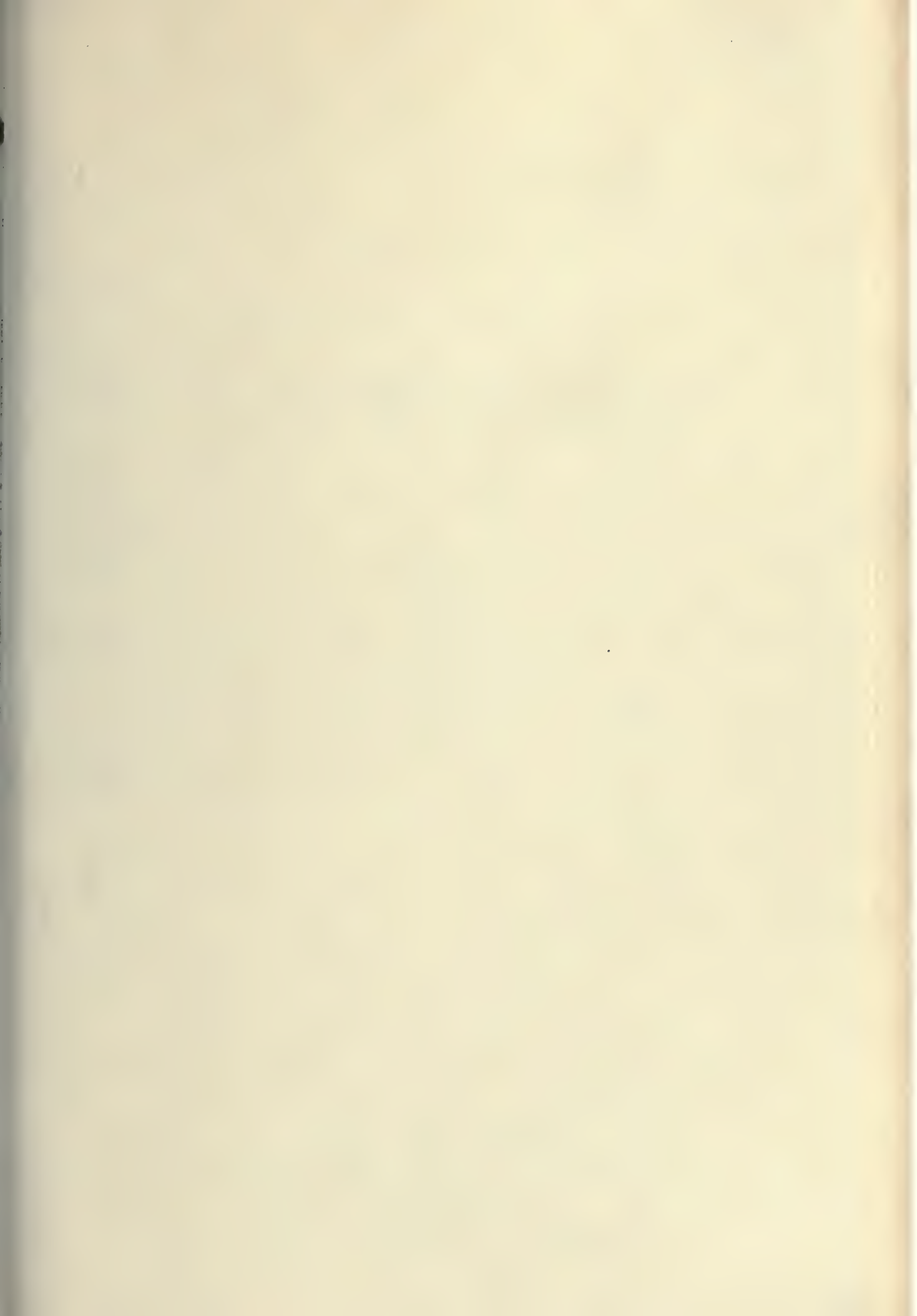
Short title

5. This Act may be cited as *The Housing Development Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR June 15 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY



1877

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1877

1877

1877

An Act to amend
The Housing Development Act

1st Reading

April 27th, 1976

2nd Reading

May 25th, 1976

3rd Reading

June 8th, 1976

THE HON. J. R. RHODES
Minister of Housing

BILL 75

Lawrence R. G. S. Hon

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting The Board of Education for
the City of Windsor and Teachers Dispute**

THE HON. T. L. WELLS
Minister of Education

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 75

1976

An Act respecting The Board of Education for the City of Windsor and Teachers Dispute

WHEREAS The Board of Education for the City of Windsor and its secondary school teachers have been negotiating terms and conditions of employment; and whereas the board of education locked out the teachers employed by it; and whereas the board of education closed its secondary schools on the 5th day of April, 1976; and whereas a state of strike by the secondary school teachers against the board of education has been in effect since the 30th day of March, 1976; and whereas the board of education and its secondary school teachers have been unable to make an agreement as to terms and conditions of employment; and whereas the public interest, and in particular the interests of students, requires that the board of education terminate the lock-out and open its secondary schools and that the secondary school teachers return to and resume their duties and that means be found for the settlement of the matters in dispute between the board of education and its secondary school teachers;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "arbitrator" means the arbitrator appointed under this Act;
- (b) "board" means The Board of Education for the City of Windsor;
- (c) "branch affiliate" means the organization composed of all the teachers employed by the board who are members of The Ontario Secondary School Teachers' Federation;

1975, c. 72

- (d) "Commission" means the Education Relations Commission established under *The School Boards and Teachers Collective Negotiations Act, 1975*;
- (e) "lock-out" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;
- (f) "parties" means the board and the branch affiliate;
- (g) "strike" has the same meaning as in *The School Boards and Teachers Collective Negotiations Act, 1975*;
- (h) "teachers" means the secondary school teachers employed on permanent or probationary contracts by the board.

Resumption
of employ-
ment and
operation
of schools

2.—(1) The teachers who are on strike against the board shall, on the first school day following the day this Act comes into force, return to and resume their duties in accordance with their contracts of employment and written collective understanding in effect on the 1st day of January, 1976 with the board and the board shall, on the first school day following the day this Act comes into force, resume the employment of such teachers in accordance with all terms of such contracts and written collective understanding and open and resume the normal operation of the schools in which the teachers are employed.

Strike or
lock-out

(2) During the period from and including the first school day following the day this Act comes into force until the day an agreement that is made between the parties or that includes the decision of the arbitrator comes into effect, no teacher shall take part in a strike against the board and the board shall not lock out a teacher.

Instructional
days

(3) During the period from and including the first school day following the day this Act comes into force to and including the 30th day of June, 1976 and notwithstanding Ontario Regulation 546/73 but only in relation to the teachers to whom this Act applies, the days designated by the board as professional activity days pursuant to Ontario Regulation 546/73 shall not be professional activity days but shall be instructional days within the meaning of that regulation.

Exception

(4) Nothing in this Act precludes a teacher from not returning to and resuming his duties with the board for reasons of health or by mutual consent in writing of the teacher and the board.

3.—(1) The parties shall be deemed to have agreed to refer all matters remaining in dispute between them that may be provided for in an agreement under *The School Boards and Teachers Collective Negotiations Act, 1975* to an arbitrator for determination under and in accordance with Part IV of that Act. Arbitration
1975, c. 72

(2) The Lieutenant Governor in Council shall forthwith after this Act comes into force appoint the arbitrator referred to in subsection 1. Appointment
of arbitrator

(3) The parties shall each give written notice to the arbitrator within seven days after the day this Act comes into force setting out all the matters the parties have agreed upon for inclusion in an agreement and all the matters remaining in dispute between the parties, and the notice shall be deemed to be notice to the Commission in accordance with subsection 1 of section 29 of *The School Boards and Teachers Collective Negotiations Act, 1975*. Notices of
matters
remaining
in dispute

(4) The arbitrator upon receipt of a notice shall examine into and decide all matters that are in dispute between the parties as evidenced by the notices referred to in subsection 3 and any other matters that appear to him to be necessary to be decided in order to make a decision. Procedure

(5) Except as otherwise provided in this Act, *The School Boards and Teachers Collective Negotiations Act, 1975* applies to the arbitrator, to the proceedings conducted before him, to the parties and to the teachers. Application

4.—(1) Notwithstanding subsection 1 of section 51 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the agreement giving effect to all matters agreed upon by the parties and the decision of the arbitrator shall be for the period commencing on the 2nd day of January, 1976 and expiring on the 31st day of August, 1977. Term of
agreement

(2) Notwithstanding subsection 1 of section 36 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the arbitrator shall complete the consideration of all matters in dispute between the parties and shall report in writing his decision on the matters to the parties and to the Commission within thirty days after his appointment as arbitrator or within such longer period of time as may be provided in writing by the arbitrator and consented to by the Commission. Time for
report of
arbitrator

5.—(1) Every person or party that contravenes any provision of this Act is guilty of an offence. Offences

Idem
1975, c. 72

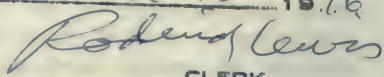
(2) The provisions of *The School Boards and Teachers Collective Negotiations Act, 1975* respecting offences and penalties and the procedures relating thereto apply in respect of a contravention of any provision of this Act.

Commence-
ment

6. This Act comes into force on the day it receives Royal Assent.

Short title

7. This Act may be cited as *The Windsor Board of Education and Teachers Dispute Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR May 7 1976
 ASSEMBLY PROROGUED December 16 1976

 CLERK
 LEGISLATIVE ASSEMBLY

1880

1880

1880

1880

An Act respecting The Board of Education
for the City of Windsor and Teachers
Dispute

1st Reading

May 6th, 1976

2nd Reading

May 7th, 1976

3rd Reading

May 7th, 1976

THE HON. T. L. WELLS
Minister of Education

BILL 76

Pauline G. G. S. H.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Personal Property Security Act**

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 76

1976

An Act to amend The Personal Property Security Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 64 of *The Personal Property Security Act*, being ^{s. 64, re-enacted} chapter 344 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

64.—(1) Except as otherwise provided herein, this Act ^{Application of Act} applies only to a security agreement made on or after the day on which this section comes into force, and does not apply to a security agreement made before such day.

(2) Subject to section 65, a security agreement made ^{Application re prior un-registered security} before the day on which this section comes into force that required a registration in order to comply with *The Assignment of Book Debts Act*, *The Bills of Sale and Chattel Mortgages Act* or *The Conditional Sales Act* ^{R.S.O. 1970, cc. 33, 45, 76} continues to have such force and effect as if those Acts had not been repealed if a financing statement is registered pursuant to this Act within ninety days after the execution of the security agreement, and section 63 applies, *mutatis mutandis*, in respect of any extension of such time.

2. This Act shall be deemed to have come into force on the 1st ^{Commencement} day of April, 1976.
3. This Act may be cited as *The Personal Property Security Amendment Act, 1976*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR June 7 1976

ASSEMBLY PROROGUED December 16 1976

Robert Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Personal Property Security Act

1st Reading

May 6th, 1976

2nd Reading

May 25th, 1976

3rd Reading

May 25th, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

BILL 77

Pauline L. L. Siller

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Vital Statistics Act**

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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LIBRARY OF THE
CONGRESS

DEPT. OF THE ARMY
OFF. OF THE ADJ. GEN.

RECEIVED BY THE
LIBRARY OF THE
CONGRESS

BILL 77

1976

An Act to amend The Vital Statistics Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 6 of *The Vital Statistics Act*, being chapter 483 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1973, chapter 114, section 3, is further amended by adding thereto the following subsection:

(11) Upon the joint request in the prescribed form of the mother and the husband referred to in subsection 4 or of the mother and person acknowledging himself to be the father under subsection 5 or 8, the birth of a child may be registered,

- (a) where the registration is under subsection 4, showing the surname of the husband hyphenated or combined with, but followed by, the surname of the mother as the surname of the child; or
- (b) where the registration is made under subsection 5 or 8 or amended under subsection 6 or 9, showing the surname of the person acknowledging himself to be the father, hyphenated or combined with, but followed by, the surname of the mother as the surname of the child.

2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
3. This Act may be cited as *The Vital Statistics Amendment Act*, 1976.

ASSENTED TO BY LIEUTENANT-GOVERNOR

ASSEMBLY PROROGUED

CLERK

LEGISLATIVE ASSEMBLY

An Act to amend
The Vital Statistics Act

1st Reading

May 6th, 1976

2nd Reading

May 25th, 1976

3rd Reading

May 25th, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

Pauline G. G. S. H.
BILL 78

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend the
City of Thunder Bay Act, 1968-69**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

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THE UNIVERSITY OF CHICAGO

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 10/10/00 BY SP-6 [illegible]

BILL 78

1976

**An Act to amend the
City of Thunder Bay Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The City of Thunder Bay Act, 1968-69*, being chapter 56, as amended by the Statutes of Ontario, 1972, chapter 36, section 1 and 1974, chapter 45, section 2, is further amended by adding thereto the following subsection:

(5c) Notwithstanding subsection 1 of section 17 of *The Municipal Elections Act, 1972*, for the purposes of the municipal elections to be held in 1976, the clerk of the City shall divide the municipality into polling subdivisions and shall not later than the 15th day of May, 1976, inform the assessment commissioner of the boundaries of each subdivision.

s. 3,
amended

Polling
sub-
divisions,
1976 elections
1972, c. 95

2. This Act comes into force on the day it receives Royal Assent.
3. This Act may be cited as *The City of Thunder Bay Amendment Act, 1976*.

Commence-
ment

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR May 13 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
the City of Thunder Bay
Act, 1968-69

1st Reading

May 6th, 1976

2nd Reading

May 10th, 1976

3rd Reading

May 11th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

S. Pauline P. G. Kerr
BILL 81

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Environmental Protection Act, 1971**

THE HON. G. A. KERR
Minister of the Environment

This is to certify that
 the within and foregoing
 is a true and correct copy
 of the original as the same
 appears in the records of the
 County of _____ State of _____
 this _____ day of _____ 19____

Notary Public for the State of _____
 My Comm. Expires _____

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525	526	527	528	529	530	531	532	533	534	535	536	537	538	539	540	541	542	543	544	545	546	547	548	549	550	551	552	553	554	555	556	557	558	559	560	561	562	563	564	565	566	567	568	569	570	571	572	573	574	575	576	577	578	579	580	581	582	583	584	585	586	587	588	589	590	591	592	593	594	595	596	597	598	599	600	601	602	603	604	605	606	607	608	609	610	611	612	613	614	615	616	617	618	619	620	621	622	623	624	625	626	627	628	629	630	631	632	633	634	635	636	637	638	639	640	641	642	643	644	645	646	647	648	649	650	651	652	653	654	655	656	657	658	659	660	661	662	663	664	665	666	667	668	669	670	671	672	673	674	675	676	677	678	679	680	681	682	683	684	685	686	687	688	689	690	691	692	693	694	695	696	697	698	699	700	701	702	703	704	705	706	707	708	709	710	711	712	713	714	715	716	717	718	719	720	721	722	723	724	725	726	727	728	729	730	731	732	733	734	735	736	737	738	739	740	741	742	743	744	745	746	747	748	749	750	751	752	753	754	755	756	757	758	759	760	761	762	763	764	765	766	767	768	769	770	771	772	773	774	775	776	777	778	779	780	781	782	783	784	785	786	787	788	789	790	791	792	793	794	795	796	797	798	799	800	801	802	803	804	805	806	807	808	809	810	811	812	813	814	815	816	817	818	819	820	821	822	823	824	825	826	827	828	829	830	831	832	833	834	835	836	837	838	839	840	841	842	843	844	845	846	847	848	849	850	851	852	853	854	855	856	857	858	859	860	861	862	863	864	865	866	867	868	869	870	871	872	873	874	875	876	877	878	879	880	881	882	883	884	885	886	887	888	889	890	891	892	893	894	895	896	897	898	899	900	901	902	903	904	905	906	907	908	909	910	911	912	913	914	915	916	917	918	919	920	921	922	923	924	925	926	927	928	929	930	931	932	933	934	935	936	937	938	939	940	941	942	943	944	945	946	947	948	949	950	951	952	953	954	955	956	957	958	959	960	961	962	963	964	965	966	967	968	969	970	971	972	973	974	975	976	977	978	979	980	981	982	983	984	985	986	987	988	989	990	991	992	993	994	995	996	997	998	999	1000	1001	1002	1003	1004	1005	1006	1007	1008	1009	1010	1011	1012	1013	1014	1015	1016	1017	1018	1019	1020	1021	1022	1023	1024	1025	1026	1027	1028	1029	1030	1031	1032	1033	1034	1035	1036	1037	1038	1039	1040	1041	1042	1043	1044	1045	1046	1047	1048	1049	1050	1051	1052	1053	1054	1055	1056	1057	1058	1059	1060	1061	1062	1063	1064	1065	1066	1067	1068	1069	1070	1071	1072	1073	1074	1075	1076	1077	1078	1079	1080	1081	1082	1083	1084	1085	1086	1087	1088	1089	1090	1091	1092	1093	1094	1095	1096	1097	1098	1099	1100	1101	1102	1103	1104	1105	1106	1107	1108	1109	1110	1111	1112	1113	1114	1115	1116	1117	1118	1119	1120	1121	1122	1123	1124	1125	1126	1127	1128	1129	1130	1131	1132	1133	1134	1135	1136	1137	1138	1139	1140	1141	1142	1143	1144	1145	1146	1147	1148	1149	1150	1151	1152	1153	1154	1155	1156	1157	1158	1159	1160	1161	1162	1163	1164	1165	1166	1167	1168	1169	1170	1171	1172	1173	1174	1175	1176	1177	1178	1179	1180	1181	1182	1183	1184	1185	1186	1187	1188	1189	1190	1191	1192	1193	1194	1195	1196	1197	1198	1199	1200	1201	1202	1203	1204	1205	1206	1207	1208	1209	1210	1211	1212	1213	1214	1215	1216	1217	1218	1219	1220	1221	12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BILL 81

1976

**An Act to amend
The Environmental Protection Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 7 of section 94 of *The Environmental Protection Act, 1971*, being chapter 86, as amended by the Statutes of Ontario, 1972, chapter 106, section 31, is further amended,

s. 94 (7),
amended

(a) by repealing clause *a* and substituting therefor the following clause:

- (a) defining standard, refillable, returnable, non-refillable or non-returnable in respect of containers and returnable or non-returnable in respect of packaging or defining any beverage for the purposes of the regulations.

(b) by inserting after "material" in the second line of clause *b* "or any beverage";

(c) by repealing clauses *c*, *d* and *e* and substituting therefor the following clauses:

- (c) requiring and regulating the stocking, display, sale or offering for sale of any beverage,

(i) in any class of container in relation to the stocking, display, sale or offering for sale of the beverage in any other class of container,
or

(ii) only in a class of container that may be prescribed;

- (d) prohibiting the sale or offering for sale in Ontario of any beverage in any class of container or in or by means of a vending machine;

- (da) requiring and regulating the advertising or display of,
 - (i) the price of a beverage that is sold or offered for sale exclusive of the amount of any deposit payable on the purchase of the beverage,
 - (ii) the amount of any deposit payable on the purchase of a beverage,
 - (iii) the amount payable in return for any container,
 - (iv) copies of the regulations or portions of the regulations or a summary thereof in such form as may be prescribed by the regulations;
- (db) requiring that a notice or mark appear on any container of any beverage or on any label for any container of a beverage to indicate that the container is standard, refillable, returnable, non-refillable or non-returnable or in respect of a payment to be made in return for the container and governing the size, form, content and position of the notice or mark;
- (dc) requiring and regulating the payment of an amount in return for any packaging or container, prescribing the amount to be paid and requiring and regulating the acceptance and collection of any packaging or container by such classes of persons as may be designated by the regulations;
- (dd) classifying packaging or containers or any materials or combinations of materials used as packaging or containers and classifying beverages;
- (de) exempting any person or class of persons, any beverage or any packaging or container or any material or combination of materials used as packaging or a container from any provision of Part VIII or of the regulations;
- (e) requiring, regulating and prohibiting the use, offering for sale or sale in Ontario of any packaging or container, or any material or combination of materials used as packaging or a container;

(ea) providing a schedule for the regulation and the prohibition within five years of the use, offering for sale or sale in Ontario of non-refillable or non-returnable containers for any beverage.

- (2) The regulations made under clause *ea* of subsection 7 of section 94 of *The Environmental Protection Act, 1971*, as enacted by clause *c* of subsection 1, shall be filed under *The Regulations Act* not later than the 1st day of July, 1977.
- Regulations
under
s. 94 (7) (*ea*)
1971, c. 86,
R.S.O. 1970,
c. 410

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment
3. This Act may be cited as *The Environmental Protection Amendment Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 22, 1976

ASSEMBLY PROROGUED

December 16, 1976

Robert Lewis
CLERK
LEGISLATIVE ASSEMBLY

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSIONER OF THE
BUREAU OF CHEMISTRY
FOR THE YEAR 1900

CHICAGO, ILL.,
1901

PRINTED BY THE UNIVERSITY OF CHICAGO PRESS

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1901

An Act to amend
The Environmental Protection Act, 1971

1st Reading

May 7th, 1976

2nd Reading

June 18th, 1976

3rd Reading

June 22nd, 1976

THE HON. G. A. KERR
Minister of the Environment

BILL 82

Pauline L. L. L.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend The Public Transportation
and Highway Improvement Act**

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 82

1976

An Act to amend The Public Transportation and Highway Improvement Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Public Transportation and Highway Improvement Act*, being chapter 201 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 7,
re-enacted

7. In case of any omission, misstatement or erroneous description in a plan or description registered under this Part, the Minister may cause to be registered in the proper land registry office a plan or description replacing or amending such original plan or description and signed by an Ontario land surveyor and one of, Correction
of errors

- (a) the Minister;
- (b) the Deputy Minister;
- (c) an Assistant Deputy Minister of the Ministry; or
- (d) the Chief Surveyor of the Ministry,

and a plan registered under this section shall be marked to show the nature of the replacement or amendment and is of the same force and effect as, and is in substitution for, the original plan or description to the extent that such plan or description is replaced or amended thereby.

2. Clause *a* of subsection 2 of section 31 of the said Act is amended by inserting after "road" in the second line "upon or" and by inserting after "or" in the third line "upon or". s. 31 (2) (a),
amended
3. Section 33 of the said Act, as re-enacted by the Statutes of Ontario, 1973, chapter 67, section 12, is amended by adding thereto the following subsection: s. 33,
amended

Order in
council to
be registered

(3) The order in council designating a highway or proposed highway as a controlled-access highway shall be registered in the proper land registry office and any such order in council heretofore registered shall be deemed to have been required to be so registered.

s. 35 (2) (a),
amended

4. Clause *a* of subsection 2 of section 35 of the said Act is amended by inserting after "road" in the second line "upon or" and by inserting after "or" in the third line "upon or".

s. 45 (1),
amended

- 5.—(1) Subsection 1 of section 45 of the said Act is amended by striking out "Subject to subsection 2" in the first line.

s. 45 (2),
repealed

- (2) Subsection 2 of the said section 45 is repealed.

s. 88,
amended

6. Section 88 of the said Act is amended by striking out "the Minister and" in the first line.

s. 100 (1),
amended

7. Subsection 1 of section 100 of the said Act is amended by striking out "with the approval of the Minister" in the second line.


Commence-
ment

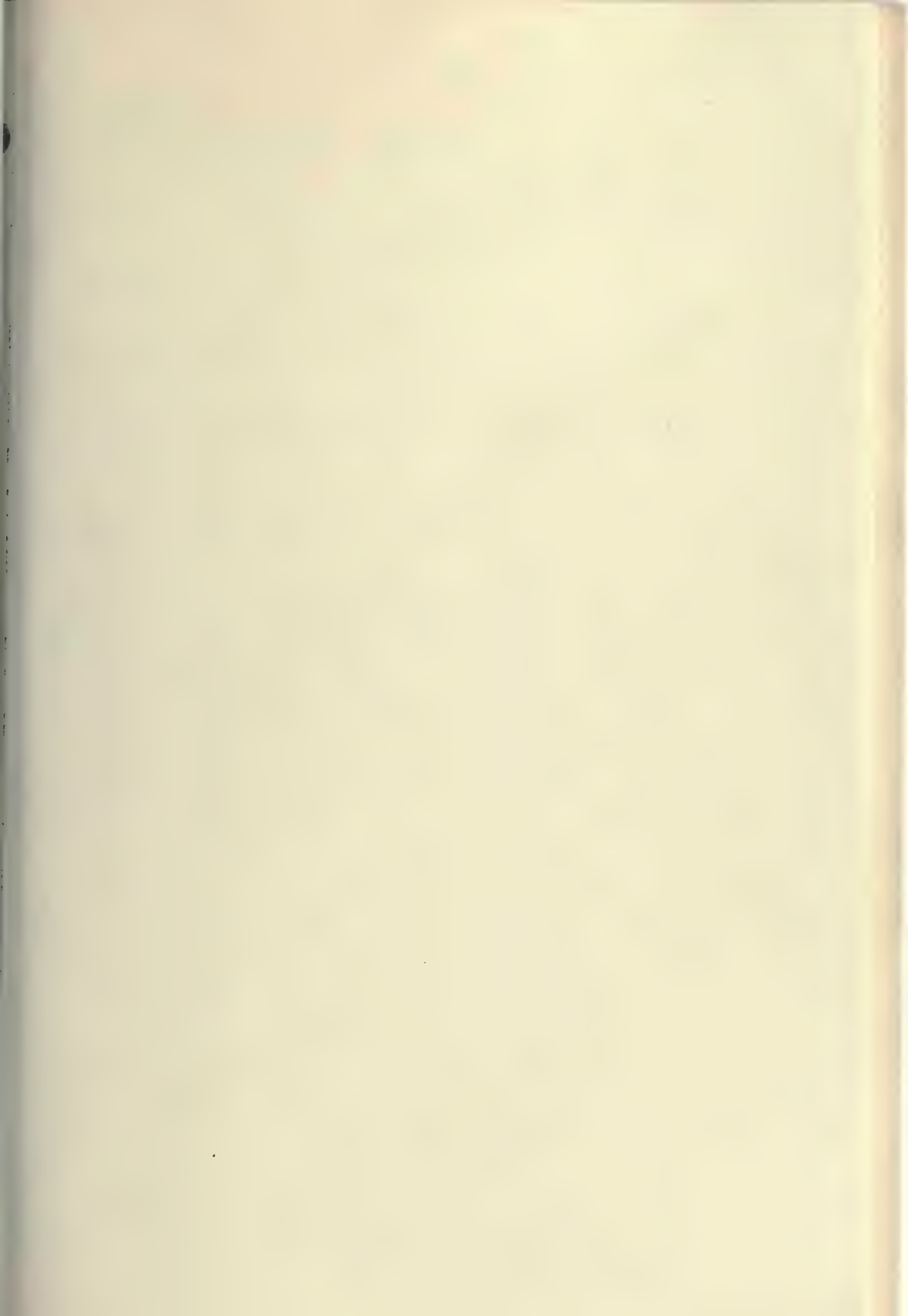
8. This Act comes into force on the day it receives Royal Assent.

Short title

9. This Act may be cited as *The Public Transportation and Highway Improvement Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR June 7 1976
ASSEMBLY PROROGUED December 16 1976


CLERK
LEGISLATIVE ASSEMBLY



An Act to amend
The Public Transportation and
Highway Improvement Act

1st Reading

May 11th, 1976

2nd Reading

May 25th, 1976

3rd Reading

May 25th, 1976

THE HON. J. W. SNOW
Minister of Transportation
and Communications

Revised by J. G. L. H.
BILL 84

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Judicial Review Procedure Act, 1971**

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend
The Public Transportation and
Highway Improvement Act

1st Reading

May 11th, 1976

2nd Reading

May 25th, 1976

3rd Reading

May 25th, 1976

THE HON. J. W. SNOW
Minister of Transportation
and Communications

Bill 84
BILL 84

1 clause in leg. by S. Hon.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Judicial Review Procedure Act, 1971**

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL 84

1976

**An Act to amend
The Judicial Review Procedure Act, 1971**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 6 of *The Judicial Review Procedure Act*, s. 6 (4), 1971, being chapter 48, is repealed and the following substituted therefor:

(4) An appeal lies to the Court of Appeal, with leave of the Court of Appeal, from a final order of the High Court disposing of an application for judicial review pursuant to leave granted under subsection 2.

2. This Act applies in respect of applications made after this Act comes into force.
3. This Act comes into force on the day it receives Royal Assent.
4. This Act may be cited as *The Judicial Review Procedure Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 15, 1976

ASSEMBLY PROROGUED

December 16, 1976

Robert A. Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Judicial Review Procedure Act, 1971

1st Reading

May 11th, 1976

2nd Reading

June 8th, 1976

3rd Reading

June 8th, 1976

THE HON. R. McMURTRY
Attorney General

S
1 am l. me by. Prof. S. Klein
BILL 87

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Education Act, 1974

THE HON. T. L. WELLS
Minister of Education

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

THE UNIVERSITY OF CHICAGO

DEPARTMENT OF CHEMISTRY

RESEARCH REPORT

1951

An Act to amend The Education Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 2 of subsection 1 of section 1 of *The Education Act, 1974*, being chapter 109, is repealed and the following substituted therefor:
 2. “average daily enrolment” for a calendar year means the average daily enrolment calculated in accordance with the regulations.
- (2) Paragraph 37 of subsection 1 of the said section 1 is repealed.

s. 1 (1),
par. 2,
re-enacted
- 2.—(1) Subsection 1 of section 8 of the said Act, as amended by the Statutes of Ontario, 1975, chapter 77, section 1, is further amended by adding thereto the following clause:

s. 8 (1),
amended

 - (da) purchase and distribute textbooks and other learning materials for use in schools.

textbooks
and other
learning
materials
 - (2) Clause *f* of subsection 1 of the said section 8 is amended by inserting after “textbooks” in the second line “learning materials”.

s. 8 (1) (f),
amended
 - (3) Subsection 1 of the said section 8 is further amended by adding thereto the following clauses:

s. 8 (1),
amended

 - (v) enter into an agreement with any board, person or organization in respect of the development and production of learning materials, and pay all or part of the costs in connection therewith;

agreements
concerning
learning
materials
 - (w) initiate educational research and make grants to a board, an individual, a voluntary association or a corporation for educational research programs, activities or projects to promote the advancement of education;

educational
research
and grants
for promotion
of advancement
of education

discretion to
establish
French-
language
programs for
English-
speaking
pupils

- (x) permit a board to establish for English-speaking pupils programs involving varying degrees of the use of the French language in instruction, provided that programs in which English is the language of instruction are made available to pupils whose parents desire such programs for their children.

s. 10 (3) (c) (11),
re-enacted

- 3.—(1) Subclause ii of clause c of subsection 3 of section 10 of the said Act is repealed and the following substituted therefor:

- (ii) requiring the approval of the Minister to any amount of money, enrolment or rate used in determining the amount of such grants.

s. 10 (3),
amended

- (2) Subsection 3 of the said section 10 is amended by adding thereto the following clause:

- (f) prescribing the method of calculating average daily enrolment.

s. 10 (8) (f),
re-enacted

- (3) Clause f of subsection 8 of the said section 10 is repealed and the following substituted therefor:

fees for
courses

- (f) prescribing the fees to be paid for courses provided by the Ministry for teachers, principals and supervisory officers or any class thereof.

s. 10 (8) (h),
re-enacted

- (4) Clause h of subsection 8 of the said section 10 is repealed and the following substituted therefor:

tuition
fee
teachers'
college

- (h) requiring the payment of a tuition fee by students attending a teachers' college, fixing the amount and manner of payment thereof and prescribing the conditions under which a student is entitled to a refund of the fee or part thereof.

s. 11,
amended

4. Section 11 of the said Act is amended by adding thereto the following subsection:

Agreements
with Canada
re learning
materials

- (4) The Crown in right of Ontario, represented by the Minister, may enter into an agreement with the Crown in right of Canada in respect of the development and production of learning materials and the sharing of the costs thereof.

s. 38,
re-enacted

5. Section 38 of the said Act is repealed and the following substituted therefor:

38.—(1) Subject to subsections 2 and 3, a person who is ^{Resident pupil} qualified to be a resident pupil of a secondary school district has the right to attend any secondary school,

- (a) that is more accessible to him than any secondary school in the secondary school district of which he is qualified to be a resident pupil;
- (b) to take, for the purpose of obtaining the secondary school honour graduation diploma, a subject or subjects not available in the secondary school district of which he is qualified to be a resident pupil but required by him for admission to any university or teacher-training course or for entry into any trade, profession or calling;
- (c) to take a program of study that includes the subject of French for French-speaking pupils in the intermediate or senior division and that is not available in the secondary school district of which he is qualified to be a resident pupil, where such program of study is required by him for admission to any university or teacher-training course or for entry into any trade, profession or calling;
- (d) to take a program in a French-language school or class if a French-language school or class is not provided by the board of the secondary school district of which he is qualified to be a resident pupil.

(2) Subsection 1 applies to a person who is qualified to ^{Restrictions} be a resident pupil of a secondary school district only if the appropriate supervisory officer certifies that there is adequate accommodation for him in the school.

(3) Clauses *b*, *c* and *d* of subsection 1 do not apply to a person who is qualified to be a resident pupil of a secondary school district if the board of the secondary school district has entered into an agreement with another secondary school board under section 160 and the programs and subjects referred to in such clauses are offered in the schools covered by the agreement. ^{Where agreement between boards}

6. Section 41 of the said Act is amended by inserting after "be" ^{s. 41, amended} where it occurs the second time in the ninth line "qualified to be".

s. 43,
re-enacted

7. Section 43 of the said Act is repealed and the following substituted therefor:

Admission of
ward, etc.,
of children's
aid society or
training
school
to an
elementary
school

43.—(1) A child who is a ward of a children's aid society or in the care of a children's aid society or a ward of a training school, and who is otherwise qualified to be admitted to an elementary school, shall be admitted without the payment of a fee to an elementary school operated by the board of the school section or separate school zone, as the case may be, in which the child resides.

Admission of
ward, etc.,
of children's
aid society
or training
school to a
secondary
school

(2) A child who is a ward of a children's aid society or in the care of a children's aid society or a ward of a training school, and who is otherwise qualified to be admitted to a secondary school, shall be admitted without the payment of a fee to a secondary school operated by the board of the secondary school district in which the child resides.

s. 46 (1, 2, 5),
re-enacted

8. Subsections 1, 2 and 5 of section 46 of the said Act are repealed and the following substituted therefor:

Fees
payable

(1) Where a person qualified to be a resident pupil of a secondary school district attends a secondary school that he has a right to attend under subsection 1 of section 38, the board of the secondary school district of which he is qualified to be a resident pupil shall pay to the board that operates the secondary school attended by the pupil a fee calculated in accordance with the regulations.

Idem

(2) Where a person qualified to be a resident pupil of a school division attends a public or secondary school in another school division under section 45, the divisional board of which he is qualified to be a resident pupil shall pay to the divisional board that operates the school attended by the pupil a fee calculated in accordance with the regulations.

Admission of
qualified
non-resident
pupil

(5) A board may admit to a school that it operates a person whose admission with or without the payment of a fee is not otherwise provided for in this Act but who, except as to residence, is qualified to attend such school, and may, at its discretion, require the payment by or on behalf of the person of a fee calculated in accordance with the regulations.

s. 57 (6) (b),
re-enacted

9. Clause *b* of subsection 6 of section 57 of the said Act is repealed and the following substituted therefor:

(b) of the county or district municipalities shall be the number of members determined under subsection 4 less the total number of members determined under clause *a* for the city or cities, if any, but in no case shall the number of members to be elected under this clause be fewer than,

(i) one, or

(ii) two where the school division comprises a regional municipality in which there are fewer than four municipalities.

10.—(1) Subsection 2 of section 60 of the said Act is amended <sup>s. 60 (2),
amended</sup> by striking out “on or before the 1st day of July in any year, to be effective on the 1st day of January next following” in the second, third and fourth lines.

(2) Subsection 4 of the said section 60 is repealed. <sup>s. 60 (4),
repealed</sup>

11. Subsection 1 of section 62 of the said Act is repealed and <sup>s. 62 (1),
re-enacted</sup> the following substituted therefor:

(1) In sections 62, 63 and 64, “public school electors” <sup>Public school
electors</sup> in respect of territory without municipal organization means,

(a) owners and tenants of property in such territory without municipal organization; and

(b) the spouses of such owners and tenants,

who are Canadian citizens or British subjects and of the full age of eighteen years and who are not separate school supporters.

12. Subsection 2 of section 63 of the said Act is amended by <sup>s. 63 (2),
amended</sup> inserting after “meeting” in the second line “including notice of any resolution required to be approved by the electors”.

13. Subsection 2 of section 64 of the said Act is amended by <sup>s. 64 (2),
amended</sup> striking out “7” in the third line and inserting in lieu thereof “2”.

14. Subsection 2 of section 65 of the said Act is amended by <sup>s. 65 (2),
amended</sup> striking out “3” in the first line and inserting in lieu thereof “4”.

- s. 83 (5) (b),
amended
15. Clause *b* of subsection 5 of section 83 of the said Act is amended by inserting after "*subsection 2*" in the fourth line "*or by the board*".
- s. 84 (2),
amended
16. Subsection 2 of section 84 of the said Act is amended by inserting after "*section 83*" in the seventh line "*or by the board*".
- s. 102 (1) (c),
amended
17. Clause *c* of subsection 1 of section 102 of the said Act is amended by striking out "annually on or before the 1st day of December" in the first and second lines.
- s. 103,
amended
- 18.—(1) Section 103 of the said Act is amended by adding thereto the following subsection:
- Dissolution
of board
- (2*a*) Where an area that is designated under clause *a* of subsection 2 includes the centre of an existing separate school zone, the board of such zone is dissolved effective upon such date as may be set out in the regulation designating the area.
- s. 103 (3),
re-enacted
- (2) Subsection 3 of the said section 103 is repealed and the following substituted therefor:
- Establish-
ment of
boards
- (3) A separate school board shall be established for each county and district combined separate school zone and except where otherwise provided under section 103*a*, the trustees of the board shall be elected and the board organized in accordance with sections 110 to 112.
- s. 103*a*,
enacted
19. The said Act is amended by adding thereto the following section:
- Designation
of a
combined
separate
school
board as
a district
combined
separate
school
board
- 103*a*.—(1) Where the board of a combined separate school zone in the territorial districts applies to the Minister to have the zone made a district combined separate school zone and the board become a district combined separate school board, the Lieutenant Governor in Council on the recommendation of the Minister may, by regulation, designate such zone as a district combined separate school zone, and upon such designation,
- (*a*) the board of the combined separate school zone is dissolved and a separate school board for the district combined separate school zone is established, composed of the trustees of the board of the combined separate school zone who shall remain in office as trustees of the board of the district combined separate school zone until the board 'is

organized following the next regular election of trustees;

- (b) all property, including the employment contracts of the employees, of the combined separate school board becomes vested in the district combined separate school board; and
- (c) all debts, contracts, agreements and liabilities of the combined separate school board become obligations of the district combined separate school board,

and except as provided by or under this section, the provisions of this Act shall apply in respect of the district combined separate school board and the zone designated under this section as if the designation of the zone and the formation of the board had been made under section 103.

(2) For the purpose of an election of trustees of a district combined separate school board established under subsection 1, the Lieutenant Governor in Council may, by regulation, exempt the district combined separate school board from the provisions of subsections 2 to 18 of section 110 and provide for the number of trustees to be elected to the board and the city, district municipality or district municipalities to be represented by each trustee.

20. Subsection 19 of section 110 of the said Act is amended by striking out "it is determined under this section that" in the fifth line. s. 110 (19),
amended

21. Paragraph 14 of section 146 of the said Act is repealed and the following substituted therefor: s. 146,
par. 14,
re-enacted

- 14. ascertain and report to the Ministry at least once in each year in the manner required by the Minister the names and ages of all children of compulsory school age within its jurisdiction who are not enrolled in any school or private school and the reasons therefor. report
children
not
enrolled

22.—(1) Paragraph 8 of subsection 1 of section 147 of the said Act is repealed and the following substituted therefor: s. 147 (1),
par. 8,
re-enacted

- 8. in lieu of purchasing a computer or system of computer programming, enter into an agreement for the use thereof by the board. computer
programming

(2) Subsection 1 of the said section 147 is amended by adding thereto the following paragraph: s. 147 (1),
amended

insurance

45. provide for insurance against risks that may involve pecuniary loss or liability on the part of the board, and for paying premiums therefor.

s. 156 (1) (a, b),
re-enacted

23. Clauses *a* and *b* of subsection 1 of section 156 of the said Act are repealed and the following substituted therefor:

(a) accommodation and equipment for administrative purposes;

(b) accommodation and equipment for instructional purposes.

s. 162,
amended

24.—(1) Section 162 of the said Act is amended by adding thereto the following subsection:

Exception
re
subss. 4-8

(8a) Where a regulation made under clause *a* of subsection 2 of section 67 provides for the appointment of one or more members to represent on the board the interests of Indian pupils, subsections 4 to 8 do not apply.

s. 162,
amended

(2) The said section 162 is further amended by adding thereto the following subsection:

Repre-
sentative
of Indian
pupils on
Roman
Catholic
separate
school board
to be Roman
Catholic

(10) Where a person is chosen by a board to represent the interests of Indian pupils on a Roman Catholic separate school board, such person shall be a Roman Catholic and of the full age of eighteen years.

s. 163 (1),
amended

25.—(1) Subsection 1 of section 163 of the said Act is amended by striking out "and" at the end of clause *a*, by adding "and" at the end of clause *b* and by adding thereto the following clause:

(c) a child over two years of age who may, under the regulations, be admitted to a program for hearing-handicapped children,

s. 163 (7),
amended

(2) Subsection 7 of the said section 163 is amended by striking out "in lieu of providing daily transportation to and from school under subsection 1" in the fifth, sixth and seventh lines.

s. 163 (9),
re-enacted

(3) Subsection 9 of the said section 163 is repealed and the following substituted therefor:

Idem

(9) Where a pupil resides with his parent or guardian in a school division or a secondary school district in a residence that,

(a) in a territorial district is fifteen miles or more; or

(b) in a county is thirty miles or more,

by road or rail from a secondary school that he attends, or where a pupil resides with his parent or guardian on an island in a school division or a secondary school district the board of the school division or secondary school district of which he is a resident pupil may reimburse the parent or guardian at the end of each month for the cost of providing for such pupil, board, lodging, and transportation once a week from his residence to school and return, in an amount set by the board for each day of attendance as certified by the principal of the secondary school that the pupil attends.

26.—(1) Subsection 4 of section 171 of the said Act is amended <sup>s. 171 (4),
amended</sup> by striking out "school moneys and any school money is" in the second and third lines and inserting in lieu thereof "moneys of the board and any of such moneys are".

(2) Clause *a* of subsection 5 of the said section 171 is <sup>s. 171 (5) (a),
re-enacted</sup> repealed and the following substituted therefor:

(a) receive and account for all moneys of the board.

27. Clause *b* of subsection 3 of section 192 of the said Act is <sup>s. 192 (3) (b),
amended</sup> amended by inserting after "treasurer" in the first line "or deputy clerk or deputy treasurer".

28. Subsection 1 of section 203 of the said Act is repealed. <sup>s. 203 (1),
repealed</sup>

29. The said Act is further amended by adding thereto the <sup>ss. 205a-205c,
enacted</sup> following sections:

205a.—(1) This section does not apply to The Metropolitan ^{Limitation} Toronto School Board or to a board of education in The Municipality of Metropolitan Toronto.

(2) Where, in any year commencing with the year 1976, <sup>Moneys raised
locally not
spent for
salaries
because of
strike or
lock-out to
be used to
reduce taxes</sup> any moneys that were provided in the estimates of a board for payment of salaries and wages of teachers and other employees in relation to employment in that year are not paid by reason of a strike by or lock-out of such teachers and other employees, or any of them, an amount of money calculated in accordance with the regulations shall in that year be placed in a reserve, and the estimates of the board for the next following year shall make due allowance for the amount in the reserve to reduce the sum

that would otherwise be required for such following year for public, secondary or separate school purposes, as the case may be.

Statement

(3) When in any year commencing with the year 1976 a board submits to a municipality a requisition of the amount of the board's estimates for public or secondary school purposes to be raised by that municipality or the rates required for separate school purposes in that municipality, the board shall also submit a statement setting out,

- (a) the amount of money placed in a reserve for which due allowance is made under subsection 2 in that year;
- (b) where estimates of the board for that year exclude an amount of money that would normally be paid as salaries and wages of teachers and other employees and that was not paid in that year because of a strike or lock-out of such teachers and other employees, or any of them, that occurred prior to the adoption of the estimates in that year, the amount of money calculated in accordance with the regulations; and
- (c) the portion of the amounts set out pursuant to clauses *a* and *b* that is applied to reduce the sum required for that year to be raised by that municipality for public, secondary or separate school purposes, as the case may be.

Moneys raised
locally not
spent for
salaries in
1975
1975, c. 72

(4) Where, after the coming into force of *The School Boards and Teachers Collective Negotiations Act, 1975*, any moneys that were provided in the estimates of a board for the year 1975 for the payment of salaries and wages of teachers and other employees were not paid by reason of a strike by or lock-out of such teachers and other employees, or any of them,

- (a) the estimates of the board for the year 1976 shall make due allowance for such moneys, and the board shall reduce by an amount of money calculated in accordance with the regulations the sum that would otherwise be required to be raised by the municipalities for the year 1976 for public, secondary or separate school purposes, as the case may be; and
- (b) the board, when it submits in the year 1976 to a municipality a requisition of the amount of its estimates for public or secondary school purposes

to be raised by that municipality, or the rates required for separate school purposes in that municipality, shall also submit a statement setting out the amount of money applied under clause *a* to reduce the sums required by the board to be raised in that year for public, secondary or separate school purposes, as the case may be, and the portion of such amount that is applied to reduce the sums to be raised for such purposes in that municipality.

(5) A collector of a municipality to which subsection 3 or ^{Notice} 4 applies shall send with the notice of taxes to each ratepayer affected in that municipality a notice showing the amount of money applied to reduce the sum required to be raised in that municipality for public, secondary or separate school purposes and the effect of such reduction upon the mill rate.

(6) Where the collector of a municipality is required to send notices under subsection 5, the municipality shall be reimbursed by the board for the reasonable expenses incurred by that municipality for preparing and printing such ^{Cost of preparing notices} notices.

(7) In the case of, ^{Board providing statements}

(a) each locality or part of territory without municipal organization that is within the area of jurisdiction of a board; and

(b) a separate school board that appoints a collector under section 125,

the board shall provide the statements referred to in subsections 3 and 4 to the officer of the board who performs in the locality or part of territory without municipal organization the duties of a collector in a municipality, or to the collector appointed by the separate school board, as the case may be, and subsection 5 applies *mutatis mutandis* to such officer or collector in respect of the municipality, locality, territory without municipal organization, or part thereof, in which he collects taxes or rates.

205b.—(1) For the purposes of this section, ^{Interpretation}

(a) "area municipality" means an area municipality as defined in *The Municipality of Metropolitan Toronto Act*; ^{R.S.O. 1970, c. 295}

- (b) "board" means a board of education of an area municipality;
- (c) "Metropolitan Council" means the council of The Municipality of Metropolitan Toronto;
- (d) "School Board" means The Metropolitan Toronto School Board.

Moneys
raised not
spent for
salaries
because of
strike or
lock-out to
be used to
reduce taxes

(2) Where, in any year commencing with the year 1976, any moneys that were provided in the estimates of the School Board for payment of salaries and wages of teachers and other employees in relation to employment in that year by a board or the School Board are not paid by reason of a strike by or lock-out of such teachers and other employees, or any of them, an amount of money calculated in accordance with the regulations shall in that year be placed in a reserve by the School Board, and the estimates of the School Board for the next following year shall make due allowance for the amount in the reserve to reduce the sum that would otherwise be required for such following year by the School Board for public or secondary school purposes, as the case may be.

Moneys raised
not spent for
salaries in
1975
1975, c. 72

(3) Where, after the coming into force of *The School Boards and Teachers Collective Negotiations Act, 1975*, any moneys that were provided in the estimates of the School Board for the year 1975 for the payment of salaries and wages of teachers and other employees of a board or the School Board were not paid by reason of a strike by or lock-out of such teachers and other employees, or any of them,

- (a) the estimates of the School Board for the year 1976 shall make due allowance for such moneys, and the School Board shall reduce by an amount of money calculated in accordance with the regulations the sum that would otherwise be required to be raised for the year 1976 for public or secondary school purposes, as the case may be; and
- (b) the School Board, when it submits in the year 1976 to the Metropolitan Council its estimates for public and secondary school purposes, shall also submit a statement setting out the amount of money applied under clause a to reduce the sums required by the School Board to be raised in that year for public or secondary school purposes.

(4) Each board shall provide to the School Board, at the time required by the School Board, such information as the School Board may require for the purposes of subsections 2 and 3. Information

(5) Where in any year the School Board has, by reason of the information given by a board pursuant to subsection 4, placed an amount of money in a reserve under subsection 2, it shall thereafter adjust in the manner determined by the School Board, one or more of the monthly instalments payable to such board in that year under subsection 2 of section 130 of *The Municipality of Metropolitan Toronto Act* so that the amount paid to the board for that year is reduced by the amount placed in the reserve. Adjustment
of monthly
instalments

R.S.O. 1970,
c. 295

(6) When in any year commencing with the year 1976 the School Board submits to the Metropolitan Council its estimates for public and secondary school purposes, the School Board shall also submit statements setting out for public and for secondary school purposes, Statement

(a) the amount of money placed in a reserve for which due allowance is made under subsection 2 in that year; and

(b) where estimates of the School Board for that year exclude an amount of money that would normally be paid as salaries and wages of teachers and other employees of a board or the School Board and that was not paid in that year because of a strike or lock-out of such teachers and other employees, or any of them, that occurred prior to the adoption of the estimates in that year, the amount of money calculated in accordance with the regulations.

(7) The Metropolitan Council, when it levies against an area municipality the amount that it apportions for public school purposes and for secondary school purposes to such area municipality, shall submit a statement setting out the portions of the amounts referred to in clauses *a* and *b* of subsection 6, and in clause *b* of subsection 3, that are applied to reduce the sum required to be raised by the area municipality for public or secondary school purposes, as the case may be. Idem

(8) The collector of each area municipality shall send with the notice of taxes to each ratepayer affected in that area municipality a notice showing the amount of money Notice

applied to reduce the sum required to be raised in that area municipality for public or secondary school purposes and the effect of such reduction upon the mill rate.

Cost of notice

(9) Where the collector of an area municipality is required to send notices under subsection 8 in respect of a statement received from the Metropolitan Council under subsection 7, The Municipality of Metropolitan Toronto shall reimburse the area municipality for the reasonable expenses incurred by that area municipality for preparing and printing such notices, and The Municipality of Metropolitan Toronto shall deduct the total amount of such reimbursements from the sums payable to the School Board under subsection 1 of section 130 of *The Municipality of Metropolitan Toronto Act*.

R.S.O. 1970,
c. 295

Regulations

205c. The Minister, subject to the approval of the Lieutenant Governor in Council, may make regulations, that may be of general or particular application, providing for the calculation of the amounts of money,

(a) to be placed in a reserve under subsection 2 of sections 205a and 205b;

(b) to be applied to reduce,

(i) under subsection 4 of section 205a, the sum required by a board for public, secondary or separate school purposes, or

(ii) under subsection 3 of section 205b, the sum required by the School Board to be raised for public or secondary school purposes; and

(c) for the purposes of statements required under clause b of subsection 3 of section 205a or clause b of subsection 6 of section 205b.

s. 207 (2),
amended

30.—(1) Subsection 2 of section 207 of the said Act is amended by inserting after "section 206" in the first line "and notwithstanding any other Act".

s. 207,
amended

(2) The said section 207 is amended by adding thereto the following subsection:

Apportion-
ments

(6) Apportionments of the sums required by a divisional board for secondary school purposes and for public school purposes heretofore made in accordance with regulations made under this section or under section 33 of *The Secondary Schools and Boards of Education Act* are deemed to be valid notwithstanding the provisions of subsection 9 of section 35

R.S.O. 1970,
cc. 425, 32

of *The Assessment Act*, but this subsection shall not apply so as to render invalid any decision of arbitrators or of the Ontario Municipal Board upon a reference in respect of such apportionments.

- 31.** Section 208 of the said Act is amended by adding thereto the following subsection: s. 208,
amended

(8) The provisions of this section that apply in respect of the secondary school purposes of a divisional board apply in respect of a secondary school board. Application
to secondary
school board

- 32.** Section 217 of the said Act is amended by inserting after "organization" in the third line "every secondary school board that has jurisdiction only in territory without municipal organization". s. 217,
amended

- 33.** Subsection 1 of section 252 of the said Act is amended by adding at the end thereof "of French-speaking pupils". s. 252 (1),
amended

- 34.** Subsection 1 of section 255 of the said Act is amended by inserting after "instruction" in the third line "of French-speaking pupils". s. 255 (1),
amended

- 35.—**(1) Clause *a* of subsection 1 of section 256 of the said Act is amended by inserting after "instruction" in the fifth line "of French-speaking pupils". s. 256 (1) (a),
amended

- (2) Clause *b* of subsection 1 of the said section 256 is amended by inserting after "instruction" in the third line "of French-speaking pupils". s. 256 (1) (b),
amended

- 36.—**(1) This Act, except subsection 1 of section 1, subsection 2 of section 3, subsection 2 of section 24 and sections 27, 28 and 30, comes into force on the day it receives Royal Assent. Commence-
ment

- (2) Sections 28 and 30 shall be deemed to have come into force on the 1st day of January, 1976. Idem

- (3) Subsection 1 of section 1, subsection 2 of section 3, subsection 2 of section 24 and section 27 come into force on the 1st day of January, 1977. Idem

- 37.** This Act may be cited as *The Education Amendment Act*, 1976. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR June 22 1976

ASSEMBLY PROROGUED December 16 1976

Roderic Lewis
CLERK
LEGISLATIVE ASSEMBLY

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An Act to amend
The Education Act, 1974

1st Reading

May 18th, 1976

2nd Reading

June 1st, 1976

3rd Reading

June 22nd, 1976

THE HON. T. L. WELLS
Minister of Education

Pauline G. L. L.
BILL 89

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Municipal Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 13a of section 1 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 124, section 1 and amended by 1973, chapter 175, section 1, is further amended by inserting after "443" in the amendment of 1973 "450". s. 1,
par. 13a,
amended

2. Section 35 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 9, is repealed and the following substituted therefor: s. 35,
re-enacted

35. Every person is qualified to hold office as a member of a council of a local municipality, Qualifica-
tion of
candidates

- (a) whose name is entered on the polling list of electors for election of members of the council or who is entitled to have his name entered on such list by virtue of possessing, on or before nomination day, a certificate issued to him under section 31 of *The Municipal Elections Act*, 1972; and 1972, c. 95

- (b) who is not disqualified by this or any other Act from holding such office.

3. Subsection 2 of section 207 of the said Act is repealed. s. 207 (2),
repealed

- 4.—(1) Subsection 1 of section 250 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 175, section 2, is further amended by adding thereto the following clause: s. 250 (1),
amended

(ca) "optional service" means,

- (i) service with any municipality or local board in Canada,

- (ii) service with the civil service of Canada or of any province of Canada,
- (iii) service with the staff of any board, commission or public institution established under any Act of Canada or any province of Canada, or
- (iv) war service.

s. 250 (1) (d),
re-enacted

- (2) Clause *d* of subsection 1 of the said section 250, as re-enacted by the Statutes of Ontario, 1973, chapter 175, section 2, is repealed and the following substituted therefor:

(d) "service" means employment of an employee by a municipality or local board and may include optional service;

(da) "war service" means active service during World War II or the Korean War,

(i) in His or Her Majesty's naval, army or air forces or in the Canadian or British Merchant Marine, or

(ii) in any naval, army or air force that was allied with His or Her Majesty's forces and that is designated by the Lieutenant Governor in Council,

providing satisfactory proof of such service is produced.

s. 250 (4),
amended

- (3) Subsection 4 of the said section 250, as re-enacted by the Statutes of Ontario, 1973, chapter 175, section 2 and amended by 1975, chapter 56, section 2, is further amended by striking out "with the municipality or local board" in the ninth and tenth lines.

s. 288 (6),
amended

- 5.—(1) Subsection 6 of section 288 of the said Act is amended by striking out "at one time and" in the first line.

s. 288,
amended

- (2) The said section 288 is amended by adding thereto the following subsection:

All
debentures
rank
equally

(19) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest

thereon with all other debentures of the municipality except as to the availability of any sinking funds applicable to any particular issue of debentures.

6. Clause *b* of subsection 5 of section 291 of the said Act is <sup>s. 291 (5) (b),
re-enacted</sup> repealed and the following substituted therefor:

(b) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America.

7. Subsection 1 of section 291*a* of the said Act, as enacted <sup>s. 291*a* (1),
re-enacted</sup> by the Statutes of Ontario, 1972, chapter 124, section 4, is repealed and the following substituted therefor:

(1) Notwithstanding any other provisions of this Act, a <sup>Term
debentures</sup> local municipality having a population of not less than 20,000 as determined under *The Ontario Unconditional Grants Act*, ^{1975, c. 7} 1975, may provide in any money by-law for the issuing of debentures that a portion of the debentures to be issued thereunder shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

8. Subsection 10 of section 304*a* of the said Act, as re-enacted <sup>s. 304*a* (10),
re-enacted</sup> by the Statutes of Ontario, 1974, chapter 136, section 8, is repealed and the following substituted therefor:

(10) The clerk of every municipality that levies a tax <sup>Notifica-
tion of
amount of
assessment
increase</sup> under this section shall, on or before the 15th day of March in each year, transmit to each body for which the municipality levies a rate, except a separate school board and a county council, a statement of the amount by which the assessment of the municipality is deemed to be increased under subsection 8, and where a municipality has, in the preceding year, levied a rate on commercial and industrial assessment in a defined area of the municipality only, the statement of that municipality shall also show,

- (a) the rates levied in the preceding year for all purposes on the commercial and industrial assessment of public school supporters, including the rates levied on such assessment in defined areas of the municipality only;
- (b) the whole of the commercial and industrial assessment of public school supporters according to the last revised assessment roll for the preceding year;

- (c) the commercial and industrial assessment of public school supporters subject to rates levied on assessment in defined areas of the municipality only;
- (d) the total amount levied in the preceding year for all purposes on the commercial and industrial assessment of public school supporters, including the amounts levied on such assessment in defined areas of the municipality only;
- (e) the amount levied pursuant to this section in the preceding year; and
- (f) the rate determined pursuant to subsection 8 for purposes of calculating the amount that would have produced the amount mentioned in clause e.

s. 312 (2) (a)
(iii, iv),
re-enacted

9. Subclauses iii and iv of clause a of subsection 2 of section 312 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 136, section 12, are repealed and the following substituted therefor:

(iii) term deposits, deposit receipts, deposit notes, certificates of deposit, acceptances and other similar instruments issued, accepted, guaranteed or endorsed by any chartered bank to which the *Bank Act* (Canada) applies,

R.S.C. 1970,
c. B-1

(iv) promissory notes of a metropolitan, regional or district municipality, or of a municipality as defined in *The Municipal Affairs Act*, or of a conservation authority established under *The Conservation Authorities Act*; or

R.S.O. 1970,
cc. 118, 78

s. 354 (1),
par. 50,
re-enacted

10. Paragraph 50 of subsection 1 of section 354 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 136, section 15 and 1975 (2nd Session), chapter 11, section 1, is repealed and the following substituted therefor:

Industrial
sites

50. For acquiring and expropriating land and selling or leasing the land for the purpose of sites for the establishment and carrying on of industries and of industrial operations and uses incidental thereto.

Application
of receipts
where debt
outstanding

- (a) Where land has been acquired under this paragraph, and any debt is outstanding in respect of the acquisition of the land or in respect of any services applied to the land,

other than services supplied under *The Local Improvement Act*, all moneys received from the sale or lease of such land shall be used to retire the debt or shall be set aside as a fund to provide for the retirement of the debt unless on the vote of the council the use of such moneys is directed for another purpose; and, when the debt is retired or the amount in the fund is sufficient to provide for the complete retirement of the debt, the balance of such moneys on hand and any such moneys received thereafter shall be credited to the general funds of the municipality.

R.S.O. 1970,
c. 255

- (b) Any land acquired under this paragraph may be used by the municipality for the purposes of the municipality or may be sold to any local board, as defined in *The Municipal Affairs Act*, for the purposes of such board.

Use of land
by
municipality
or sale to local
board
R.S.O. 1970,
c. 118
- (c) Where it appears to the council that any land acquired under this paragraph is no longer required for the purposes for which it was acquired or for the use of the municipality, the council may sell or dispose of the whole or any part of such lands for any purpose.

Disposal of
land when no
longer
required
- (d) Where land is being acquired or developed in accordance with an agreement entered into between a municipality and a corporation, as defined in *The Development Corporations Act, 1973*, and the corporation is lending money to the municipality under the terms of such agreement, the municipality may give security therefor to the corporation by way of mortgage on such land or may furnish such other security as the corporation considers appropriate.

Agreement
with
development
corporation
1973, c. 84

11. Section 395 of the said Act is repealed and the following substituted therefor:

s. 395,
re-enacted

395.—(1) The council of a municipality may expend in any year such sum as it may determine for the purpose of diffusing information respecting the advantages of the municipality as an industrial, agricultural, business, educational, residential or vacation centre.

Expenditures
for
publicity

Industries
department
and
commissioner

(2) The council of a municipality having a population of not less than 5,000 may pass by-laws for the establishment and maintenance of a department of industries and for appointing a commissioner of industries to bring to the notice of manufacturers and others the advantages of the municipality as an industrial, agricultural, business, educational, residential or vacation centre.

Pooling
of
funds

(3) Any two or more municipalities may pool their funds and act jointly for the purposes of this section.

s. 447a,
enacted

12. The said Act is amended by adding thereto the following section:

Where no
injunction,
etc., to be
granted

447a.—(1) Notwithstanding the provisions of any Act, no injunction shall be granted or order made by the judge of any court,

(a) for the removing of an alteration or diversion made in a highway; or

(b) for avoiding or setting aside any conveyance or proceedings by which a municipality has acquired land for diverting or altering a highway,

pursuant to a by-law heretofore passed by the council of a municipality pursuant to this or any other general or special Act, by reason only of the fact that the council failed to comply with the conditions mentioned in clauses *a* and *b* of subsection 1 of section 446.

Interpre-
tation

(2) For the purposes of subsection 1, "municipality" includes a regional, metropolitan and district municipality.

Saving

(3) Nothing in this section affects or prejudices the rights of any person to a claim for damages against the municipality in respect of such alteration or diversion.

Idem

(4) Nothing in this section affects the rights acquired by any person from a judgment or order of any court prior to the day on which this section comes into force, or affects the outcome of any action, litigation or other proceeding instituted on or before the day this section comes into force, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this section had not been enacted.

s. 472 (1),
re-enacted

13. Subsection 1 of section 472 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 121, section 16, is repealed and the following substituted therefor:

(1) No person is qualified to be elected a trustee or to vote at the election thereof unless, Qualifica-
tion,
trustees
and
electors

(a) his name is entered on the polling list of electors for the office of member of council of the municipality in which the village is situate, in whole or in part, by reason of being a resident or owner or tenant of land situate in the village or the spouse of such owner or tenant; or

(b) he is entitled to have his name entered on such polling list by virtue of possessing, on or before nomination day, a certificate issued to him under section 31 of *The Municipal Elections Act, 1972* 1972, c. 95 and he is a resident or the owner or tenant of land situate in the village or the spouse of such owner or tenant.

14.—(1) Clause *b* of subsection 3 of section 507 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 136, section 21, is repealed and the following substituted therefor: s. 507 (3) (b),
re-enacted

(b) 85 per cent of the equalized residential and farm assessment.

(2) The said section 507 is amended by adding thereto the following subsections: s. 507,
amended

(3a) Where the regional registrar of the Assessment Review Court has not certified in any year in accordance with section 47 of *The Assessment Act* the last revised assessment roll of any township, town or village for taxation in that year, the equalized assessment for that year of such municipality for purposes of subsection 2 shall be based on the assessment roll as returned to the clerk of such municipality pursuant to section 46 of *The Assessment Act*. Where no
certified
last
revised
assessment
roll
R.S.O. 1970,
c. 32

(3b) Where the equalized assessment of a township, town or village has been computed in accordance with subsection 3a and the calculation of the amount required to be provided for county purposes by such municipality pursuant to subsection 4 is based upon that equalized assessment, the clerk of such municipality shall forthwith upon receiving the last revised assessment roll for the municipality for taxation in that year forward a statement of the actual equalized assessment for the municipality to the clerk of the county in which the municipality is located and the clerk of the county shall forthwith adjust accordingly the amount to be provided for county purposes by such municipality pursuant to subsection 4 and any overpayment or under-

Adjustment
when last
revised
assessment
roll
certified

payment by a municipality shall be subtracted from or added to, as the case may be, the amount required from that municipality for county purposes in the subsequent year pursuant to this section.

s. 507 (7),
re-enacted

- (3) Subsection 7 of the said section 507 is repealed and the following substituted therefor:

Amendment
to
by-law

(7) Where the council of the county is of the opinion that the percentage share as set out in the by-law passed under subsection 4 is not just and equitable it may, on or before the 24th day of April, amend the by-law to make an apportionment for county purposes that is just and equitable.

s. 527 (3)
re-enacted

- 15.**—(1) Subsection 3 of section 527 of the said Act is repealed and the following substituted therefor:

Penalty
for non-
payment
of taxes

(3) The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding 12 per cent per annum, or such lower rate as the council determines, from the date payment is due until it is made or until the 31st day of December of the year in which the taxes were levied, whichever is earlier.

s. 527 (4),
repealed

- (2) Subsection 4 of the said section 527 is repealed.

s. 527 (5),
re-enacted

- (3) Subsection 5 of the said section 527 is repealed and the following substituted therefor:

Discount
or
interest on
payments in
advance

(5) The council may by by-law authorize the treasurer or collector to receive in any year payments on account of taxes for that year in advance of the day that may be fixed by by-law for the payment of any instalment of such taxes and,

- (a) to allow a discount on any taxes so paid in advance at a rate not exceeding 12 per cent per annum and may allow interest at a rate not exceeding 12 per cent per annum on account of taxes so paid in advance for any portion of the period for which no discount is allowed; or
- (b) to allow interest on taxes paid in advance of the day fixed by by-law for the payment of any instalment of such taxes at a rate not exceeding 12 per cent per annum,

notwithstanding that the taxes for such year have not been levied or that the assessment roll on which such taxes are

to be fixed and levied has not been revised and certified by the Assessment Review Court when any such advance payment is made, and a by-law passed under this subsection remains in force from year to year until it is repealed or amended.

- 16.** Subsections 1 and 2 of section 553 of the said Act are repealed and the following substituted therefor:

s. 553 (1),
re-enacted
s. 553 (2),
repealed

(1) Notwithstanding any special Act, the treasurer, collector, or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of 12 per cent per annum, or such lower rate as the council of the local municipality determines, from the 31st day of December in the year in which the taxes were levied until taxes are paid.

Interest
on tax
arrears

- 17.**—(1) This Act, except sections 8, 14, 15 and 16, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Sections 8, 14, 15 and 16 come into force on the 1st day of January, 1977.

Idem

- 18.** This Act may be cited as *The Municipal Amendment Act, 1976*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR June 22 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Municipal Act

1st Reading

May 25th, 1976

2nd Reading

June 16th, 1976

3rd Reading

June 22nd, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

Bill 90
BILL 90

1. read in Leg. Assembly

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Live Stock Community Sales Act**

THE HON. W. NEWMAN
Minister of Agriculture and Food

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 90

1976

An Act to amend The Live Stock Community Sales Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Section 1 of *The Live Stock Community Sales Act*, being ^{s. 1, amended} chapter 253 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 50, section 53, is further amended by adding thereto the following clause:

(*ea*) "Minister" means the Minister of Agriculture and Food.

- (2) Clause *i* of the said section 1 is repealed and the follow- ^{s. 1 (i), re-enacted} ing substituted therefor:

(*i*) "veterinarian" means a person registered under *The Veterinarians Act*. R.S.O. 1970,
c. 480

2. Section 2 of the said Act is amended by striking out "or" ^{s. 2, amended} at the end of clause *c*, by adding "or" at the end of clause *d* and by adding thereto the following clause:

(*e*) a sale of live stock held at the established place of business of an operator where,

(i) the sale is held for the purpose of dispersing an established herd in whole or in part,

(ii) only live stock of the herd owner is offered for sale, and

(iii) the herd has not been assembled by a dealer in live stock for the purpose of resale.

s. 5 (e),
amended

3. Clause *e* of section 5 of the said Act is amended by striking out "a veterinarian" in the second line and inserting in lieu thereof "an inspector".

s. 7,
repealed

4. Section 7 of the said Act is repealed.

s. 8,
re-enacted

5. Section 8 of the said Act is repealed and the following substituted therefor:

Conditions
precedent
to sale

8.—(1) No operator shall commence a community sale until an inspector,

(a) has inspected the premises at which the sale is to be held; and

(b) has carried out such duties as are prescribed in the regulations to be completed before the commencement of a community sale.

Idem

(2) No operator shall offer live stock for sale at a community sale unless such live stock has been inspected on the premises by an inspector before being offered for sale.

s. 11,
re-enacted

6. Section 11 of the said Act is repealed and the following substituted therefor:

Inspectors

11.—(1) The Minister shall appoint a chief inspector who is a veterinarian and such other inspectors as he considers necessary and, notwithstanding any other Act, such inspectors have exclusive authority to initiate proceedings to enforce the provisions of this Act and the regulations.

Certificate
of
appointment

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Powers of
inspector

(3) Subject to subsections 4, 5 and 6, the Director or an inspector may, for the purpose of carrying out his duties under this Act,

(a) enter any premises and any truck or other conveyance thereon and inspect the premises, truck or other conveyance and any live stock therein;

(b) require the production or furnishing by the owner or custodian thereof of any books, records or documents, or of extracts therefrom, of persons

licensed under this Act or relating to any live stock assembled or sold at a community sale;

- (c) in accordance with the regulations, seize, remove, detain and provide for the disposal of any live stock where,

(i) he believes on reasonable and probable grounds that there is a contravention of this Act or the regulations in respect thereof, or

(ii) it appears to him that the live stock is diseased, injured or shows evidence of any other abnormal condition;

- (d) order live stock mentioned in subclause ii of clause c to be destroyed,

(i) with the consent of the owner, or

(ii) where a veterinarian has examined the live stock and has advised the Director or inspector in writing that the live stock is diseased, injured or suffers from any other abnormal condition and, in his opinion, is incapable of being so cured, healed or treated as to live thereafter without suffering.

(4) Except under the authority of a warrant under section 16 of *The Summary Convictions Act*, the Director or an inspector shall not enter any part of a dwelling without the consent of the occupant.

No entry without consent or warrant
R.S.O. 1970, c. 450

(5) Where the Director or an inspector requires the production or furnishing of books, records, documents or extracts therefrom, the person having custody thereof shall produce or furnish them to the Director or inspector and the Director or inspector may detain them for the purpose of making copies therefrom and thereafter return them to the person who produced or furnished them.

Production of records, etc.

(6) Where a copy of a book, record, document or extract is made under subsection 5 and is certified by a person thereunto authorized, it is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

Certification of copy

7. Section 12 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 53, is repealed and the following substituted therefor:

s. 12, re-enacted

Obstruction

12. No person shall hinder or obstruct the Director or an inspector in the course of his duties, or refuse to permit him to inspect any premises or any truck or other conveyance thereon or any live stock therein, or furnish him with false information, or refuse to furnish him with information,

s. 13,
amended

8. Section 13 of the said Act is amended by striking out "\$100" in the fourth line and inserting in lieu thereof "\$500" and by striking out "\$500" in the fifth line and inserting in lieu thereof "\$1,000".

s. 14,
amended

9.—(1) Section 14 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 50, section 53, is further amended by adding thereto the following clause:

(c) prescribing grounds for the refusal to renew, suspension or revocation of licences in addition to those grounds mentioned in clauses *a*, *b*, *c* and *d* of subsection 1 of section 3*b*.

s. 14 (*h*),
re-enacted

(2) Clause *h* of the said section 14 is repealed and the following substituted therefor:

(*h*) prescribing the powers and duties of inspectors or any class thereof.

s. 14,
amended

(3) The said section 14 is further amended by relettering clause *n* as clause *s* and by adding thereto the following clauses:

(*n*) governing the seizure, removal, detention and disposal of live stock for the purposes of clause *c* of subsection 3 of section 11;

(*o*) governing the destruction of live stock for the purposes of clause *d* of subsection 3 of section 11;

(*p*) prescribing standards for the health, welfare and care of live stock, or any class thereof, in connection with community sales;

(*q*) prohibiting the sale of live stock affected with any disease or other abnormal condition and providing for the disposal of such live stock;

(*r*) prescribing the terms and conditions upon which live stock affected with any disease or other abnormal condition may be offered for sale and sold.

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commence-
ment
11. This Act may be cited as *The Live Stock Community Sales Amendment Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR June 15 1976

ASSEMBLY PROROGUED December 16 1976

Foderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

**An Act to amend
The Live Stock Community
Sales Act**

1st Reading

May 25th, 1976

2nd Reading

June 8th, 1976

3rd Reading

June 8th, 1976

**THE HON. W. NEWMAN
Minister of Agriculture and Food**

2
BILL 94

1 clause by S. Han

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to provide certain Protections
for Purchasers of New Homes**

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to provide certain Protections for Purchasers of New Homes

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "builder" means a person who undertakes the performance of all the work and supply of all the materials necessary to construct a completed home whether for the purpose of sale by himself or under a contract with a vendor or owner;
- (b) "Corporation" means the corporation designated under section 2;
- (c) "guarantee fund" means the provision made by the Corporation for compensation under the Plan;
- (d) "home" means,
 - (i) a self-contained one-family dwelling, detached or attached to one or more others by common wall,
 - (ii) a building composed of more than one and not more than two self-contained, one-family dwellings under one ownership,
 - (iii) a condominium dwelling unit, including the common elements, or
 - (iv) any other dwelling of a class prescribed by the regulations as a home to which this Act applies,

and includes any structure or appurtenance used in conjunction therewith, but does not include a

dwelling built and sold for occupancy for temporary periods or for seasonal purposes;

- (e) "inspector" means an inspector appointed by the Corporation under section 18;
- (f) "Minister" means the Minister of Consumer and Commercial Relations;
- (g) "owner" means a person who first acquires a home from its vendor for occupancy, and his successors in title;
- (h) "Plan" means the Ontario New Home Warranties Plan established under section 11;
- (i) "prescribed" means prescribed by the regulations;
- (j) "Registrar" means the Registrar appointed by the Corporation under section 3;
- (k) "regulations" means the by-laws of the Corporation made under section 23;
- (l) "sell" includes entering into an agreement to sell;
- (m) "Tribunal" means The Commercial Registration Appeal Tribunal under *The Ministry of Consumer and Commercial Relations Act*;
- (n) "vendor" means a person who sells on his own behalf a home not previously occupied to an owner and includes a builder who constructs a home under a contract with the owner;
- (o) "warranty" means a warranty set out in section 13.

R.S.O. 1970,
c. 113

Designation
of
Corporation
R.S.O. 1970,
c. 89

2.—(1) The Lieutenant Governor in Council shall designate a non-profit corporation incorporated without share capital under *The Corporations Act* to be the Corporation for the purposes of this Act.

Objects

(2) Upon its designation, the objects of the Corporation are extended to include,

- (a) the administration of the Ontario New Home Warranties Plan;
- (b) the establishment and administration of a guarantee fund providing for the payment of compensation

under section 14, whether by the establishment of a fund for the purpose or by contract with licensed insurers;

- (c) assisting in the conciliation of disputes between vendors and owners; and
- (d) engaging in undertakings for the purpose of improving communications between vendors and owners.

(3) *The Insurance Act* does not apply to the Corporation and its undertakings in respect of any matter within its objects or authorized by this Act. Application of R.S.O. 1970, c. 224

3. The Corporation shall appoint a Registrar who shall perform the duties and exercise the powers given to him by this Act and the regulations under the supervision of the Corporation and shall perform such other duties as are assigned to him by the Corporation. Registrar

4. All moneys payable under this Act to the Corporation shall be retained by the Corporation and applied to defray the expenses incurred and expenditures made in the carrying out of its duties under this Act and otherwise for the purposes of its objects set out in subsection 2 of section 2. Revenues and expenses

5. The Corporation shall make a report annually to the Minister upon the affairs of the Corporation, and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session. Annual reports

6. No person shall act as a vendor or a builder unless he is registered by the Registrar under this Act. Registration required

7.—(1) An applicant is entitled to registration by the Registrar except where, Registration of vendors and builders

- (a) having regard to his financial position, the applicant cannot reasonably be expected to be financially responsible in the conduct of his undertakings;
- (b) the past conduct of the applicant affords reasonable grounds for belief that he will not carry on his undertakings in accordance with law and with integrity and honesty;
- (c) the applicant is a corporation and,
 - (i) having regard to its financial position, it cannot reasonably be expected to be finan-

cially responsible in the conduct of its undertakings, or

- (ii) the past conduct of its officers or directors affords reasonable grounds for belief that its undertakings will not be carried on in accordance with law and with integrity and honesty; or

- (d) in the case of an application for registration as a builder, the applicant does not have sufficient technical competence to consistently perform the warranties.

Conditions
of regis-
tration

(2) A registration is subject to such terms and conditions to give effect to the purposes of this Act as are consented to by the applicant or imposed by the Tribunal or prescribed by the regulations.

Registration
not trans-
ferable

(3) A registration is not transferable.

Refusal to
register

8.—(1) Subject to section 9, the Registrar may refuse to register an applicant where in the Registrar's opinion the applicant is disentitled to registration under section 7.

Revocation
and refusal
to renew

(2) Subject to section 9, the Registrar may refuse to renew or may suspend or revoke a registration for any reason that would disentitle the registrant to registration under section 7, if he were an applicant, or where the registrant has a record of breaches of warranties or of failure or unwillingness to complete performance of contracts or is in breach of a term or condition of the registration.

Notice of
proposal to
refuse or
revoke

9.—(1) Where the Registrar proposes to refuse to grant or renew a registration or proposes to suspend or revoke a registration, he shall serve notice of his proposal, together with written reasons therefor, on the applicant or registrant.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the applicant or registrant that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Registrar and the Tribunal, and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where an applicant or registrant does not require a hearing by the Tribunal in accordance with subsection 2, the Registrar may carry out the proposal stated in his notice under subsection 1.

Powers of
Tribunal

(4) Where an applicant or registrant requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and, on the

application of the Registrar at the hearing, may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Tribunal considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Registrar.

(5) The Tribunal may attach such terms and conditions to its order or to the registration as it considers proper to give effect to the purposes of this Act. Conditions of order

(6) The Registrar, the applicant or registrant who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section. Parties

(7) Notwithstanding subsection 1, the Registrar may cancel a registration upon the request in writing of the registrant in the prescribed form surrendering his registration. Voluntary cancellation

(8) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his registration, a registrant has applied for renewal of his registration and paid the prescribed fee, his registration shall be deemed to continue, Continuance pending renewal

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing has expired and, where a hearing is required, until the Tribunal has made its order.

(9) Notwithstanding that a registrant appeals from an order of the Tribunal under section 9b of *The Ministry of Consumer and Commercial Relations Act*, the order takes effect immediately, but the Tribunal may grant a stay until disposition of the appeal. Order effective, stay
R.S.O. 1970,
c. 113

10. A further application for registration may be made upon new or other evidence or where it is clear that material circumstances have changed. Further applications

11.—(1) The Ontario New Home Warranties Plan is established comprised of the warranties and the guarantee fund and compensation provided for by this Act. Ontario New Home Warranties Plan

(2) When a vendor enters into a contract for the sale Disclosures on entering into contract

of a home to an owner or for the construction of a home for an owner, the vendor shall deliver to the owner such documentation and notices respecting the Plan as are prescribed by the regulations.

Notice of
commencing
construction

12. A builder shall not commence to construct a home until he has notified the Corporation of the fact, has provided the Corporation with such particulars as the Corporation requires, and has paid the prescribed fee to the Corporation.

Warranties

13.—(1) Every vendor of a home warrants to the owner,

(a) that the home,

(i) is constructed in a workmanlike manner, and is free from defects in material,

(ii) is fit for habitation; and

(iii) is constructed in accordance with the Ontario Building Code;

(b) that the home is free of major structural defects as defined by the regulations; and

(c) such other warranties as are prescribed by the regulations.

Exclusions

(2) A warranty under subsection 1 does not apply in respect of,

(a) defects in materials, design and workmanship supplied by the owner;

(b) secondary damage caused by defects, such as property damage and personal injury;

(c) normal wear and tear;

(d) normal shrinkage of materials caused by drying after construction;

(e) damage caused by dampness or condensation due to failure by the owner to maintain adequate ventilation;

(f) damage resulting from improper maintenance;

(g) alterations, deletions or additions made by the owner;

- (h) subsidence of the land around the building or along utility lines, other than subsidence beneath the footings of the building;
- (i) damage resulting from an act of God;
- (j) damage caused by insects and rodents, except where construction is in contravention of the Ontario Building Code;
- (k) damage caused by municipal services or other utilities;
- (l) surface defects in workmanship and materials specified and accepted in writing by the owner at the date of possession.

(3) The vendor of a home shall deliver to the owner a certificate specifying the date upon which the home is completed for his possession and the warranties take effect from the date specified in the certificate. Certificate of completion

(4) A warranty under subsection 1 applies only in respect of claims made thereunder within one year after the warranty takes effect, or such longer time under such conditions as are prescribed. Term of warranty under subs. 1

(5) A warranty is enforceable notwithstanding that there is no privity of contract between the owner and the vendor. Privity of contract

(6) The warranties set out in subsection 1 apply notwithstanding any agreement or waiver to the contrary and are in addition to any other rights the owner may have and to any other warranty agreed upon. Application of warranties

14.—(1) Where,

Compensation

- (a) a person who has entered into a contract with a vendor for the provision of a home has a cause of action in damages against the vendor for financial loss resulting from the bankruptcy of the vendor or the vendor's failure to perform the contract;
- (b) an owner has a cause of action against a vendor for damages resulting from a breach of warranty; or
- (c) the owner suffers damage because of a major structural defect as defined in the regulations for the purposes of section 13, and the claim is made

within four years after the warranty expires, or such longer time under such conditions as are prescribed,

the person or owner is entitled to be paid out of the guarantee fund the amount of such damage subject to such limits as are fixed by the regulations.

Other
recovery

(2) In assessing damages, the Corporation shall take into consideration any benefit, compensation or indemnity payable to the person or owner from any source.

Performance

(3) The Corporation may perform or arrange for the performance of any work in lieu of or in mitigation of damages claimed under subsection 1.

Condomin-
iums

15. For the purposes of sections 13 and 14, a condominium corporation shall be deemed to be the owner of the common elements of the condominium and the warranties take effect on the date of the registration of the declaration and description.

Notice of
decision
under s. 14

16.—(1) Where the Corporation makes a decision under section 14, it shall serve notice of the decision together with written reasons therefor, on the person or owner affected.

Notice
requiring
hearing

(2) A notice under subsection 1 shall inform the person served that he is entitled to a hearing by the Tribunal if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing to the Corporation and the Tribunal, and he may so require such a hearing.

Powers of
Tribunal

(3) Where a person served requires a hearing by the Tribunal in accordance with subsection 2, the Tribunal shall appoint a time for and hold the hearing and may by order direct the Corporation to take such action as the Tribunal considers the Corporation ought to take in accordance with this Act and the regulations, and for such purposes the Tribunal may substitute its opinion for that of the Corporation.

Parties

(4) The Corporation, the person or owner who has required the hearing and such other persons as the Tribunal may specify are parties to proceedings before the Tribunal under this section.

Concili-
ation of
disputes

17.—(1) The Corporation may, upon the request of an owner, conciliate any dispute between the owner and a vendor.

(2) Where there is a dispute between a vendor and an owner arising out of the contract, neither party shall commence any proceeding in respect thereof until after fifteen days after the party notifies the Corporation of the dispute for the purpose of giving the Corporation an opportunity to effect conciliation. Idem

(3) Each party to a dispute shall supply the Corporation with such particulars thereof as the Corporation requires. Information to Corporation

(4) Every agreement between a vendor and prospective owner shall be deemed to contain a written agreement to submit present or future differences to arbitration, subject to appeal to the Supreme Court, and *The Arbitrations Act* applies. Arbitration
R.S.O. 1970,
c. 25

18.—(1) The Corporation shall appoint inspectors for the purposes of this Act. Inspectors

(2) An inspector may, for the purpose of inspecting a home during its construction, enter in or upon and inspect the premises constituting the site of the construction at any time without a warrant. Power of entry

(3) For the purposes of an inspection, the inspector may, Powers of inspector

(a) require the production of the drawings and specifications of a home or any part thereof, including any drawings prescribed by the regulations, for his inspection and may require information from any person concerning any matter related to a home or part thereof;

(b) be accompanied by any person who has special or expert knowledge of any matter in relation to a home or part thereof; and

(c) alone or in conjunction with such other person or persons possessing special or expert knowledge, make such examinations, tests, or inquiries as are necessary for the purposes of the inspection.

(4) No person shall hinder, obstruct, molest or interfere with or attempt to hinder, obstruct, molest or interfere with an inspector in the exercise of a power or performance of a duty under this Act. Obstruction of inspectors

Restrain-
ing order

19.—(1) Where it appears to the Corporation that any vendor or builder does not comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Corporation may apply to a judge of the High Court for an order directing such person to comply with such provision, and, upon the application, the judge may make the order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

Service of
notice

20. Any notice or document required by this Act to be served or given may be served or given personally or by registered mail addressed to the person to whom notice is to be given at his last known address and, where notice is served or given by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date.

Certificate
of evidence

21. A statement as to,

- (a) the registration or non-registration of any person;
- (b) the filing or non-filing of any document or material required or permitted to be filed with the Corporation; or
- (c) any other matter pertaining to such registration, non-registration, filing or non-filing,

purporting to be certified by the chairman of the board of directors of the Corporation is, without proof of the office or signature of the chairman, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Offences

22.—(1) Every person who,

- (a) knowingly furnishes false information in any application under this Act or in any statement or return required to be furnished under this Act or the regulations; or
- (b) contravenes section 6 or 12 or subsection 4 of section 18,

and every director or officer of a corporation who knowingly concurs in such furnishing or contravention is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both.

(2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

23.—(1) The Corporation may make by-laws, By-laws

- (a) governing applications for registration of vendors and builders and the expiration and renewal of registration;
- (b) subject to the approval of the Lieutenant Governor in Council, prescribing terms and conditions of registration;
- (c) requiring the payment of fees on applications for registration or renewal of registration and prescribing the amounts thereof;
- (d) prescribing the fees payable by builders to the Corporation in respect of the construction of a home or any class of home;
- (e) governing applications for and the issuance of certificates under section 11;
- (f) governing agreements entered into between the Corporation and vendors;
- (g) providing for the establishment and maintenance of the guarantee fund and governing procedures for claiming and determining claims for compensation from the guarantee fund;
- (h) governing the procedures for conciliation of disputes and providing for the payment and refunding of fees respecting requests for conciliation;
- (i) prescribing classes of dwellings for the purposes of subclause iv of clause *d* of section 1;
- (j) specifying warranties in addition to those provided for in clause *a* or *b* of subsection 1 of section 13 and the time of expiration thereof;

- (k) defining major structural defects for the purpose of clause *b* of subsection 1 of section 13;
- (l) requiring vendors and builders to be bonded in such form and terms and with such collateral security as are prescribed, and providing for the forfeiture of bonds and the disposition of the proceeds;
- (m) subrogating the Corporation or a named insurer to any right of recovery of a person in respect of a claim paid out of the insurance under the Plan and costs and providing the terms and conditions under which an action to enforce such rights may be begun, conducted and settled;
- (n) prescribing any matter required or authorized by this Act to be, or referred to in this Act as, prescribed by the regulations;
- (o) prescribing forms for the purposes of the Corporation.

Application
of R.S.O.
1970, c. 410

(2) A by-law passed under subsection 1 shall be deemed to be a regulation to which *The Regulations Act* applies.

Act binds
Crown

(3) This Act, except sections 6 to 10, binds the Crown.

Commence-
ment

24. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

25. This Act may be cited as *The Ontario New Home Warranties Plan Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 22 1976

ASSEMBLY PROROGUED

December 16 1976

Robert Lewis
CLERK
LEGISLATIVE ASSEMBLY



An Act to provide
certain Protections for
Purchasers of New Homes

1st Reading

May 31st, 1976

2nd Reading

June 14th, 1976

3rd Reading

June 22nd, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

BILL 97

1 clause by L. G. S. H.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

The Credit Unions and Caisses Populaires Act, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

TABLE OF CONTENTS

	PAGE
Interpretation.....	1
Incorporation.....	3
Leagues.....	9
Contracts.....	11
By-laws.....	12
Capital.....	14
Borrowing.....	15
Registers.....	16
Members.....	16
Directors.....	23
Credit Committee.....	24
Supervisory Committee.....	27
Officers.....	30
Auditors and Financial Statements.....	30
Officers—General.....	34
Meetings.....	36
Dividends.....	40
Investments.....	40
Ontario Share and Deposit Insurance Corporation....	51
Winding Up.....	62
Amalgamations.....	73
Reorganization.....	75
Returns and Inspections.....	77
Extra-Provincial Credit Unions.....	79
Offences.....	79
Regulations.....	80
Miscellaneous.....	81

BILL 97

1976

The Credit Unions and Caisses Populaires Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—(1) In this Act,

Interpre-
tation

- (a) "articles of incorporation" or "articles" means the original or restated articles of incorporation, articles of amalgamation, articles of amendment, memorandum of association, a special Act or other instrument by which a credit union is incorporated and includes any amendment thereto;
- (b) "auditor" means a person who is a public accountant licensed under *The Public Accountancy Act*;
- (c) "by-law" means a by-law approved under this Act, and includes any amendment or revocation of a by-law approved under this Act;
- (d) "capital" means the outstanding amount that has been received from members on account of shares;
- (e) "certificate of incorporation" includes the memorandum of association, a special Act or any other instrument by which a credit union is incorporated;
- (f) "court" means the Supreme Court of Ontario;
- (g) "credit union" means a corporation incorporated as a credit union or caisse populaire under this Act or a predecessor of this Act;
- (h) "debt obligation" means a bond, debenture, note or other similar obligation of a corporation, whether secured or unsecured;

R.S.O. 1970,
c. 373

- (i) "deposit" includes all sums placed on deposit with a credit union;
- (j) "Director" means the Director of Credit Unions of the Ministry of Consumer and Commercial Relations;
- (k) "financial statement" means a financial statement referred to in section 71;
- (l) "league" means a corporation incorporated as a credit union league or federation under this Act or a predecessor of this Act;
- (m) "member" means a person who is a member or enrolled as a member of a credit union under this Act, the articles and the by-laws of the credit union governing membership;
- (n) "Minister" means the Minister of Consumer and Commercial Relations;
- (o) "officer" means the president, any vice-president, treasurer, secretary, manager, assistant treasurer, assistant secretary, assistant manager and any employee who has authority to approve loans and any employee of a credit union who reports directly to the board of directors;
- (p) "personal representative" where used with reference to holding shares or having deposits in that capacity means an executor, administrator, guardian, tutor, trustee, receiver or liquidator, or the committee of or curator to a mentally incompetent person;
- (q) "regulations" means the regulations made under this Act;
- (r) "related person", where used to indicate a relationship with any person, means any spouse, son or daughter of that person, or any relative of that person or of his spouse, son or daughter who has the same home as that person;
- (s) "special resolution" means a resolution that is not effective until it is passed by the board of directors of the credit union and confirmed, with or without variations, by at least two-thirds of the votes cast at a general meeting of the members of the credit union duly called for that purpose;

- (t) "Superintendent" means the Superintendent of Insurance;
- (u) "surplus" means the aggregate balances of undivided earnings, statutory reserve and other reserves.

(2) For the purposes of this Act, two or more persons holding the same share or shares jointly shall be considered as one member. Joint shares

2.—(1) There shall be a Director of Credit Unions appointed by the Lieutenant Governor in Council, who shall exercise the powers and shall perform the duties conferred or imposed on him by this Act or the regulations under the supervision of the Superintendent. Director of Credit Unions

(2) *The Corporations Act* does not apply to credit unions or credit union leagues. Application of R.S.O. 1970, c. 89

INCORPORATION

3.—(1) A credit union may be incorporated under this Act by articles of incorporation for the objects stated in section 11 and the incorporation is subject to the approval of the Minister. Incorporation

(2) Any number of natural persons, not fewer than twenty, who are of the age of eighteen years or more, may apply to be incorporated as a credit union by signing and delivering to the Minister, in duplicate, articles of incorporation in the form prescribed by the regulations together with two copies of the proposed by-laws of the credit union. Application

(3) The articles of incorporation shall set out: Articles of incorporation

1. The name of the credit union to be incorporated.
2. The place in Ontario where the head office of the credit union is to be located giving the municipality and the county or district or where the head office is to be located in a territory without municipal organization, the geographic township and district, if any.
3. The name of each of the incorporators and residence address of each.
4. The number of directors of the credit union, which shall be not fewer than five, and the name and residence address, giving the street and number, if any, of each person who is a first director of the credit union.

5. Any other matter required by this Act or the regulations to be set out in the articles.

- | | |
|--|---|
| Idem | (4) The articles may set out any provision that is authorized by this Act to be set out in the articles or that could be the subject of a by-law of the credit union. |
| Affidavits | (5) The signature of each incorporator and each first director and the fact that each incorporator and each first director is of the age of eighteen years or more shall be verified by affidavit. |
| Director may direct amendment of by-laws | (6) The proposed by-laws shall be in accordance with section 16 and if the Director finds the proposed by-laws repugnant to this Act he may direct an amendment before the application is proceeded with. |
| Report to Minister | (7) The Director shall inquire into the circumstances, sufficiency and regularity of the articles of incorporation and accompanying proposed by-laws delivered to the Minister and may require any matter to be verified under oath and shall report thereon to the Minister. |
| Reasons | (8) Where the Director reports to the Minister that the articles of incorporation should not be filed, his report shall include the reasons therefor and a copy of his report shall be delivered to the incorporators. |
| Submissions to Minister | (9) The incorporators may, within fifteen days after receiving the report and reasons of the Director under subsection 8, make written submissions to the Minister in respect thereof. |
| Issuance of certificate of incorporation | <p>(10) After considering the report of the Director and the submissions, if any, of the incorporators, the Minister may, in his discretion and after all prescribed fees have been paid,</p> <ul style="list-style-type: none"> (a) endorse on the duplicate of the articles the words "Filed" and the day, month and year of the filing thereof; (b) file one of the duplicates in his office; and (c) issue to the incorporators or their agent a certificate of incorporation to which he shall affix the other duplicate. |
| Effect of incorporation | (11) A credit union comes into existence upon the date set forth in its certificate of incorporation and the certificate of incorporation, the articles of incorporation, and the by-laws |

of the credit union, together with this Act, constitute the charter of the credit union.

(12) A certificate of incorporation is conclusive proof that all conditions precedent required to be performed by the incorporators have been complied with and that the credit union has been incorporated under this Act, except in a proceeding under section 122. Notice

4.—(1) No credit union shall be incorporated under a name identical with that of any other credit union or of any corporation or organization or under a name so nearly resembling that of any other credit union, corporation or organization as, in the opinion of the Minister, to be likely to deceive or under a name that may otherwise, in the opinion of the Minister, be objectionable on public grounds. Name

(2) If a credit union, through inadvertence or otherwise, has acquired a name contrary to subsection 1, the Minister may, after he has given the credit union an opportunity to be heard, issue a certificate of amendment to the articles changing the name of the credit union to the name specified in the certificate, and upon issuance of the certificate of amendment, the articles are amended accordingly. Change if objectionable

5.—(1) The name of a credit union shall include the words "credit union" or "caisse populaire" as part thereof. Use of "credit union"

(2) The name of the credit union shall have the words "Limited" or "Limitée", or "incorporated" or "incorporée", or its corresponding abbreviation "Ltd", "Ltée", or "Inc" as the last word thereof. Use of "Limited"

(3) Notwithstanding subsection 1, a credit union incorporated under a predecessor of this Act may continue to use the name under which it was incorporated. Exception from subs. 1

6. Notwithstanding section 5, a credit union may use its name in such form and in such language as the articles provide and as the Minister approves. Use of name

7. A change of name of a credit union does not affect its rights and obligations. Effect of change of name

8. Any person, not being a credit union or league to which this Act applies, who carries on business under a name or title in which the words "credit union" or "caisse populaire" are used is guilty of an offence. Use of words "credit union"

9.—(1) A credit union shall have a seal, which shall be adopted and may be changed by resolution of the directors. Seal

(2) The name of the credit union shall appear in legible characters on the seal. Idem

Head
office

10.—(1) A credit union shall at all times have its head office in Ontario at the place where its articles provide.

Change

(2) A credit union may by by-law change the geographic location of its head office to another place in Ontario if such change would better serve its purpose and objects.

Objects of
credit
unions

11.—(1) The articles of a credit union shall state its objects and purposes as being the promotion of co-operative enterprise, the facilitating of the accumulation of savings and the creation of a source of credit for its members at conscionable rates of interest and the provision of full financial services for its members and every credit union shall be deemed to have such objects in its articles.

Ancillary
powers

(2) For the purpose of carrying out its objects, subject to the other provisions of this Act, the regulations, the articles and the by-laws of the credit union, every credit union has power as incidental and ancillary to its objects,

1. to receive moneys on deposit from members and as payment for shares;
2. to make loans to members, with or without security;
3. to make loans to other credit unions, where the loans are approved by the Ontario Share Deposit Insurance Corporation;
4. to deposit moneys with, invest in shares of, or make loans to, any league;
5. to make donations and gifts out of the surplus income or any undivided earnings for the purpose of advancing the interest of the credit union or of credit unions generally and for charitable purposes;
6. to purchase, lease, or take in exchange, hire or otherwise acquire any personal property and any right or privilege the credit union considers necessary or convenient for the purpose of the credit union;
7. to invest funds of the credit union;
8. where authorized to do so by a special resolution, to sell, lease, exchange or otherwise dispose of all or substantially all the property of the credit union for such consideration as the credit union considers appropriate;

9. to construct, maintain and alter any buildings or works necessary for its objects;
10. to lease and, where authorized by by-law, to acquire by purchase or otherwise and hold any real property or interest therein necessary for its present or future use and occupation or for carrying on its undertaking, and, when no longer necessary therefor, to sell, alienate or convey it;
11. to take, hold, alienate, realize on, or otherwise dispose of any real or personal property that has been mortgaged or pledged to the credit union by way of security for, or conveyed to it in satisfaction of loans made in the course of business or otherwise purchased for the purpose of avoiding a loss to the credit union;
12. to draw, make, accept, endorse, execute, discount and issue promissory notes, bills of exchange, bills of lading, warrants and other negotiable or transferable instruments;
13. subject to such conditions as are prescribed by the regulations, to establish and operate branch offices to provide credit union services;
14. to pay all costs and expenses of, or incidental to, the incorporation and organization of the credit union;
15. to establish and support or aid in the establishment and support of or the subscription to, associations, institutions, funds or trusts for the benefit of employees or former employees of the credit union or its predecessors, or the dependants or connections of such employees or former employees, and grant pensions and allowances, and make payments towards insurance or for any object similar to those set forth in this paragraph, and to subscribe or guarantee money for charitable, benevolent, educational or religious objects or for any exhibition or for any public, general or useful objects;
16. to adopt means of making known the services of the credit union, and in particular by advertising, by purchase and exhibition of works of art or interest, by publication of books and periodicals or by granting prizes, rewards and making donations;

R.S.O. 1970,
c. 254

17. to deposit money in chartered banks, the Province of Ontario Savings Office, or loan companies and trust companies registered under *The Loan and Trust Corporations Act*;
18. to contract and sue and be sued in the corporate name;
19. to purchase group insurance for its members;
20. to perform any of the things authorized by this section as principal or agent and either alone or in conjunction with others;
21. to perform all such other things as are incidental or conducive to the attainment of the objects and the exercise of the powers of the credit union;
22. to have perpetual succession;
23. to carry on any other business capable of being conveniently carried on in connection with its business or likely to enhance the value of or make profitable any of its property or rights;
24. to acquire and hold shares in any other company having objects altogether or in part similar to those of the credit union or carrying on any business capable of being conducted so as to benefit the credit union;
25. to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with the property of the credit union in the ordinary course of its business;
26. to provide safekeeping facilities and services for personal property;
27. to provide services for the collection and payment of moneys from and on behalf of its members;
28. to provide such programs and services for its members as in the opinion of the board of directors may assist the members to meet their financial or social needs;
29. subject to the approval of the Director, to accept custody of assets for specific purposes or under specific terms and conditions and to act as an agent

to carry out such purposes, such purposes to include, but not be restricted to, the custody of funds deposited under registered retirement savings plans and registered home ownership savings plans.

(3) Any of the powers set out in subsection 2 may be withheld or limited by the articles. ^{Limitation of powers}

(4) Every credit union may exercise its powers beyond the boundaries of Ontario to the extent to which the laws in force where the powers are sought to be exercised permit, and may accept extra-provincial powers and rights. ^{Power to act outside Ontario}

LEAGUES

12.—(1) Ten or more credit unions may be incorporated as a league or federation for the object and purpose of, ^{Leagues}

- (a) protecting and advancing the credit unions that are members of the league;
- (b) providing encouragement and assisting in programs and activities contributing to the growth and development of member credit unions;
- (c) conducting training programs for the general improvement of managers, employees and members of the board of directors and committees of member credit unions;
- (d) arranging for pension plans, group bonding and group insurance of all kinds for the officers, employees and members of credit unions and assisting in repayment of loans made by credit unions to their members;
- (e) receiving moneys from their member credit unions or the Ontario Share Deposit Insurance Corporation, either as payment on shares or as deposits;
- (f) making loans to credit unions that are members of the league;
- (g) providing services to or for its member credit unions that, in the opinion of the directors of the league, are incidental or conducive to the sound operation or to the attaining of the purposes of its members.

(2) Any competent person authorized by a league may examine into the affairs of any credit union that is a member of the league and for such purpose he shall be given access ^{Examination by league}

to all books, records and other documents of the credit union and he may make whatever inquiries are necessary to ascertain its true condition and its ability to provide for the payment of its liabilities as they become due, and the officers and employees of the credit union shall facilitate him in his examination and inquiry.

Act to
apply to
leagues

(3) The provisions of this Act applicable to credit unions apply *mutatis mutandis* to leagues and their incorporation except where inconsistent with this section, but the Lieutenant Governor in Council may by regulation declare that any provision of this Act does not apply to leagues.

Ancillary
powers

(4) Every league has power as incidental and ancillary to its objects,

(a) to apply to and enter into any agreement with the Canada Deposit Insurance Corporation, the Ontario Share and Deposit Insurance Corporation, the Government of Canada, the Government of Ontario, a chartered bank or other corporation or person, to obtain loans or other financial assistance;

(b) to act as agent or subagent for primary or secondary distribution of bonds, debentures or other evidences of indebtedness of or guaranteed by the Government of Canada or any province or municipal corporation in Canada and for that purpose trade in such bonds, debentures or other evidences of indebtedness to the extent necessary;

(c) to become a member of, buy shares in, deposit money with or borrow money from any other league or any co-operative credit society or association as defined in the *Co-operative Credit Associations Act* (Canada) or any other like institution incorporated under the laws of Canada or any province;

(d) when authorized by the Director, to establish, arrange for and maintain trust funds for the benefit of the member credit unions;

(e) to invest in the fully paid shares of,

(i) any corporation registered under *The Loan and Trust Corporations Act*, or

(ii) with the approval of the Superintendent, any company incorporated to carry on any other business reasonably ancillary to the business of a credit union or a league,

R.S.C. 1970,
c. C-29

R.S.O. 1970,
c. 254

provided that if such investment exceeds 30 per cent of the voting common shares of a corporation, the league shall own at least 51 per cent of the voting common shares of the corporation;

(f) to provide such other services as may be authorized by the regulations.

(5) A league may accept and exercise all rights, powers, privileges and immunities conferred on it by the *Co-operative Credit Associations Act* (Canada). Application of R.S.C. 1970, c. C-29

(6) Any credit union that is a member of a league may withdraw from membership if authorized by resolution passed by a majority of the votes cast at a general meeting duly called for the purpose. Withdrawal

CONTRACTS

13.—(1) No act of a credit union and no transfer of real or personal property to or by a credit union, otherwise lawful, that is heretofore or hereafter done or made, is invalid by reason of the fact that the credit union was without capacity or power to do such act or make or receive such transfer, but such lack of capacity or power may be asserted, Acting outside powers

(a) in a proceeding against the credit union by a member under subsection 2;

(b) in a proceeding by the credit union, whether acting directly or through a receiver, liquidator, trustee or other legal representative or through members in a representative capacity, against a director or officer or former director or officer of the credit union; or

(c) as cause for the cancellation of the certificate of incorporation of the credit union.

(2) A member of a credit union may apply to the court for an order to restrain the credit union from doing any act or transferring or receiving the transfer of real or personal property on the ground that the credit union lacks capacity or power for the purpose, and the court may, if it considers it to be just and equitable, grant an order prohibiting the credit union from doing the act or transferring or receiving the transfer of the real or personal property, but, where the act or transfer sought to be restrained or prohibited is being or to be done or made under a contract to which the credit union is a party, Restraining order

- (a) all the parties to the contract shall be parties to the proceeding;
- (b) the court in granting the order may set aside the contract and allow the credit union or other parties to the contract, as the case may be, such compensation as may be equitable for the loss or damage sustained by any of them from the granting of the order and setting aside of the contract, other than anticipated profits from the contract.

Contracts
in writing
under seal

14.—(1) A contract that if entered into by an individual person would by law be required to be in writing and under seal may be entered into on behalf of a credit union in writing under the seal of the credit union.

Contracts
in writing
under seal

(2) A contract that if entered into by an individual person would by law be required to be in writing signed by the parties to be charged therewith may be entered into on behalf of a credit union in writing signed by any person acting under its express authority.

Parol
contracts

(3) A contract that if entered into by an individual person would by law be valid although made by parol only and not reduced into writing may be entered into by parol on behalf of a credit union by any person acting under its express authority.

Prior
consent of
Director

15. A credit union shall not acquire, purchase or lease real estate for its own use where the cost of such real estate or building or of the lease over its duration is in an amount equal to more than 8 per cent of the total share capital and deposits of a credit union without the prior written consent of the Director.

BY-LAWS

Extent of
by-laws

16.—(1) The directors may pass by-laws not contrary to this Act or to the articles to regulate,

- (a) the fees, terms and conditions of admission to, and withdrawal, suspension and expulsion from, membership in the credit union;
- (b) the allotment and recording of shares, the maximum number that may be allotted to any member, the payment for shares and the withdrawal or transfer of shares;
- (c) the terms, conditions and limitations under which deposits may be made with or withdrawn from the credit union;

- (d) the terms, conditions and limitations for loans made by the credit union and the interest thereon;
- (e) the time and place of and the notice and the record date for the determination of members entitled to vote to be given for the holding of meetings of members and of the board of directors, the quorum of meetings of members and the procedure and language to be used in all matters relative to the operation of the credit union;
- (f) the time for and manner of election of directors, and the remuneration of directors;
- (g) the appointment, remuneration, functions, duties and removal of officers and employees of the credit union and the security, if any, to be given by them to it;
- (h) the purposes for which the profits of the credit union may be appropriated or distributed by way of rebate of interest on loans, by dividends or otherwise;
- (i) where the credit union is a member of a league, a yearly assessment of its members to be paid to the league to assist in its financing;
- (j) the conduct in all other particulars of the affairs of the credit union.

(2) Subject to clause *i* of subsection 1, a credit union may become a member of a league by resolution passed by a majority of the votes cast at a general meeting duly called for the purpose. Membership
in league

17.—(1) A by-law relating to the remuneration of directors may provide that the board of directors by resolution shall fix the remuneration and period for which it is to be paid. Remunera-
tion of
directors

(2) A by-law may provide that the board of directors may by resolution exercise the powers referred to in clause *c*, *d*, *g* or *h* of subsection 1 of section 16. Delegation
to board

18.—(1) No by-law is effective until it is,

Passing
of by-laws

- (a) passed by the board of directors of a credit union;
- (b) confirmed, with or without variation, by at least two-thirds of the votes cast at a general meeting of the members of the credit union duly called for that purpose, or such greater proportion of the votes cast as the articles provide; and

(c) approved by the Director in the manner prescribed in this section.

Submission
to Director

(2) Upon the confirmation of a by-law under clause *b* of subsection 1, the board of directors shall forward to the Director two copies thereof signed by two officers or one officer and one director.

Approval by
Director

(3) The Director shall signify his approval by certifying the approval on one copy of the by-law with the date of the approval and returning it to the credit union.

Amendments
upon
approval

(4) Any amendment required by the Director as a condition of his approval may be made by the board of directors unless the amendment alters the intent of the by-law.

Copies of
by-laws

19. A copy of the by-laws of a credit union shall be delivered by the credit union to a member on demand on payment of a fee fixed by the by-laws, which shall not exceed the amount prescribed therefor by the regulations.

CAPITAL

Capital

20.—(1) The capital of a credit union shall be divided into shares with par value and the amount thereof shall be determined by the by-laws of the credit union, but the par value of each share shall in no case exceed \$10.

Capital, how
increased and
diminished

(2) The subscribed capital of a credit union may, subject to the by-laws, be increased by payment for shares by members, and may be diminished by withdrawal of such payments by members.

Fully paid
shares only

(3) No share in a credit union shall be allotted until it is fully paid for and a share is not fully paid until payment in cash therefor has been received by the credit union.

No
commission
on shares

(4) No commission, discount, allowance, or other compensation shall be paid or allowed by a credit union in consideration of the subscription for or sale of any of its shares.

Shares are
personal
property

(5) The shares of a credit union are personal property.

Additional
shares

(6) The payment on account of shares by a member and the receipt thereof by a credit union shall be deemed to be an allotment of such shares to the members.

Member's
liability
for shares

(7) A member is not liable to the credit union for shares subscribed for in excess of the amount actually paid thereon.

(8) Where the board of directors determines that the credit union has suffered an impairment of capital, the board may by resolution fix the proportion of money invested in shares that may be withdrawn, and so long as any impairment of capital exists, may from time to time change the proportion that may be withdrawn. ^{Where capital impaired}

(9) No member of a credit union shall withdraw any portion of the money invested in shares in excess of the proportion specified in the resolution under subsection 8, or set off against any debts owing by him to the credit union a greater proportion of the money invested in shares than is specified in the resolution. ^{Idem}

(10) No resolution passed under subsection 8 applies to money invested in shares after the date of the resolution. ^{Idem}

BORROWING

21.—(1) Subject to the qualifications, limitations and restrictions in this Act, the board of directors of a credit union, when authorized by by-law, may, ^{Borrowing by-law}

(a) borrow money by way of loan, exclusive of money received on deposit, at such rates of interest and upon such terms as the board of directors may from time to time determine in an amount, exclusive of money on deposit, not exceeding 25 per cent of the paid-in capital, deposits and surplus of the credit union, but when specifically authorized by by-law, the total amount borrowed, exclusive of money received on deposit, may be an amount not exceeding 50 per cent of the total of the paid-in capital, deposits and surplus of the credit union;

(b) subject to clause *a*, charge, mortgage, hypothecate or pledge all or any currently owned or subsequently acquired real or personal, movable or immovable property of the credit union, including book debts, rights, powers and franchises and undertaking, to secure any debt obligation or any money borrowed, or other debt or liability of the credit union.

(2) Clause *a* of subsection 1 does not apply to a league. ^{Leagues excepted}

22.—(1) A credit union shall not borrow by the issue of a debenture. ^{Not to issue debentures}

(2) Subsection 1 does not apply to a league. ^{Leagues excepted}

23. The Director may from time to time inquire into the borrowing of a credit union and may limit the authority of the board of directors of a credit union to further borrow by giving notice of the limitation by registered mail to the ^{Limitation by the director}

board setting forth his reasons for limiting the borrowing powers and a credit union shall not exercise its borrowing powers in excess of any limitation imposed by the Director.

REGISTERS

Register of
members

24.—(1) Every credit union shall keep a register of members and shares.

Certificate
as evidence

(2) A statement as to,

- (a) the names and addresses of the members and the number of shares held by each member;
- (b) the date on which the name of any person was entered in the register as a member; or
- (c) the date on which any person ceased to be a member,

purporting to be certified by the secretary is, without proof of the office or signature of the secretary, receivable in evidence as *prima facie* proof of the facts stated therein for all purposes in any action, proceeding or prosecution.

Documents
to be kept

(3) Every credit union shall keep or cause to be kept the following documents and registers in either English or French only,

- (a) a copy of its articles;
- (b) the by-laws and resolutions, including special resolutions, of the credit union;
- (c) a register of the members of the board of directors, credit committee and supervisory committee, and all officers of the credit union, setting out their names, residence addresses, giving the street and number, if any, and occupations, with the several dates on which they have become or ceased to be a member of such board or committee;
- (d) a register of all securities held by the credit union;
- (e) books of account and accounting records with respect to all financial and other transactions of the credit union as may be required by the Director;
- (f) the minutes of all proceedings at meetings of members, directors and any committees.

MEMBERS

Membership

25. Subject to the provisions of this Act and its articles, membership in a credit union is governed by its by-laws.

26.—(1) Each incorporator of a credit union who has subscribed for a share in the credit union becomes a member upon the effective date of incorporation and shall be entered upon the register of members.

Incorporators
deemed
members

(2) A subscription for shares in a credit union constitutes an application for membership and the allotment of a share to the applicant constitutes admission to membership.

Subscription
deemed
application

(3) Subject to subsection 1, no person shall become a member of a credit union until his application for membership has been approved by the board of directors or an officer authorized by the board and the applicant has complied fully with the by-laws governing admission of members.

Applicants
for
membership

27.—(1) Subject to subsection 2, the by-laws of every credit union shall provide that the membership of the credit union shall be limited to persons or related persons having a common bond of occupation or association or to persons or related persons residing or working within a municipality, neighbourhood or other reasonably well-defined community.

Membership
limitation

(2) A credit union may apply to the Director for the repeal from its by-laws of the provisions referred to in subsection 1 and the Director, if he is satisfied that the credit union has a sufficient membership, capital and money on deposit and is being operated in a satisfactory manner, may approve the repealing by-law and permit its filing on such terms as the Director sees fit.

Removal of
limitation

(3) The Director shall not approve a by-law of a credit union under subsection 2 unless the credit union proposes to have a full-time management and a self-contained place of business and would be, in his opinion, capable of providing a satisfactory service to its members.

Director's
approval

28. Every person whose name is registered in the register of members is entitled to,

Register of
members

- (a) a passbook or other record specifying the amount paid upon shares, deposits and loans by him; and
- (b) such other information as may be prescribed by the by-laws of the credit union,

and the passbook or other record is admissible in evidence as *prima facie* proof of membership and of the information entered therein.

Voting	29.— (1) A member of a credit union has only one vote.
Proxies permitted R.S.O. 1970, c. 118	(2) No member of a credit union shall vote by proxy except when such member is a corporation, an unincorporated association or a municipality as defined in <i>The Municipal Affairs Act</i> .
Liability of members	30. A member is not responsible for any act, default or liability of the credit union, or for any engagement, claim, payment, loss, injury, transaction, matter or thing relating to or connected with the credit union beyond the amount paid on his share or shares.
Not bound by trust	31. A credit union is not bound to see to the execution of any trust, whether express, implied or constructive to which any share or deposit is subject.
Shares in trust	32. A member, in addition to holding shares in his own name, may subscribe for and hold shares and make deposits in trust for a named beneficiary, and such beneficiary without payment of any entrance fee shall be deemed to be a member of the credit union only for the purpose of qualifying for life insurance under a group policy of insurance purchased by the credit union on the lives of its members and is not entitled to notice of meetings or to vote at meetings.
Joint accounts	33. Two or more members may hold their shares and deposits in a joint account and, in the absence of written notice to the contrary, payment by the credit union to any of such members or to the survivor or any of the survivors of such members of any money standing to the credit of the joint share or deposit account discharges the credit union from any further liability for such payment.
Ages of members	34.— (1) A person under the age of eighteen years may be a member of a credit union, and every such member may enjoy all the rights of a member and execute all instruments and give all acquittances necessary to be executed or given but is not entitled to vote unless permitted to do so by the by-laws.
Right to borrow	(2) Subject to the by-laws, a member under the age of eighteen years does not have the right to borrow any amount in excess of his deposits in the credit union except upon a joint and several promissory note signed by him and by a person eighteen years of age or over.
Deposits	(3) A member under the age of eighteen years may deposit money with a credit union in his own name, and the money so deposited may be repaid to him, and he

may give a valid discharge therefor, notwithstanding his minority.

35. A corporation including a municipality as defined in *The Municipal Affairs Act*, an unincorporated association or a partnership registered under *The Partnerships Registration Act* may become a member of a credit union on such terms and conditions as are prescribed by the regulations.

Corporate
and
partnership
members
R.S.O. 1970,
cc. 118, 340

36.—(1) Subject to section 37 and *The Succession Duty Act*, where a transmission of a share in a credit union takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy, if the probate of the will or letters of administration or document testamentary, or other judicial or official instrument under which the title, whether beneficial or as trustee, or the administration or control of the personal estate of the deceased is claimed to vest, purports to be granted by any court or authority in any country, the probate of will or letters of administration or document testamentary or other judicial or official instrument or an authenticated copy thereof, or an official extract therefrom, may, together with a declaration in writing showing the nature of the transmission and signed and executed by the person claiming by virtue thereof, be produced and deposited with the secretary or officer named by the board of directors of the credit union for the purpose of receiving it.

Transmission
of shares

(2) The production and deposit specified in subsection 1 shall be sufficient authority to the board of directors to pay the amount or value of any obligation on shares, in pursuance of, and in conformity with the letters probate, letters of administration, or other instrument.

Proof

37.—(1) Where a member of a credit union dies, the credit union may pay,

Payment
of moneys
re deceased
member

- (a) an amount not exceeding an amount prescribed by the regulations out of the amount on deposit in the name of the deceased or for the shares of the deceased; and
- (b) an amount not exceeding an amount prescribed by the regulations out of any money that is received by the credit union under any policy of insurance on the life of the deceased,

to any person who the board is satisfied, by statutory declaration attested to not sooner than thirty days after the death, is entitled.

(2) A payment made under subsection 1 discharges any obligation of the credit union or its board of directors in

Effect of
payment

respect of the money paid but does not affect the right of any other person claiming to be entitled to recover such money from the person to whom it was paid.

Deposits or
shares in
trust

(3) Where a member of a credit union dies holding shares or money on deposit in his name in trust for a named beneficiary, the credit union may pay the amount of such shares or deposit and any interest thereon to the executor or administrator of the estate of the deceased member, subject to the trusts or, where there is no executor or administrator, to the beneficiary or, where the beneficiary is a minor, to his parent or guardian.

Lien for
debt

38. A credit union has a lien on the shares and deposits of a member for any debt due to it by him, and may set off any sum standing to the credit of such member on the books of the credit union in or towards the payment of such debt.

Unclaimed
credits

39. Where moneys are held by a credit union for the credit of one of its members by reason of a deposit made or shares held by such member and the credit union is unable after reasonable efforts to locate the person entitled to such moneys, the credit union may pay such moneys to the Treasurer of Ontario and the Treasurer of Ontario may pay such moneys to the person entitled thereto upon satisfactory proof being furnished that he is the person entitled to receive such moneys.

Withdrawal
of members

40.—(1) A member of a credit union may withdraw from a credit union at any time by giving notice thereof in accordance with the by-laws.

Idem

(2) A deceased member shall be deemed to have given notice to the credit union of his intention to withdraw on the day of his death.

Payment to
withdrawing
member

(3) All amounts paid to the credit union on shares and deposits by a withdrawing member shall, after deducting all amounts due from the member to the credit union, be paid to such member within ninety days of his giving notice of his intention to withdraw.

Idem

(4) A withdrawing member is entitled to receive any dividend, interest or rebate of loan interest paid or payable to other members of the credit union as at the date of his withdrawal on the same conditions that the board of directors have made applicable to all members of the credit union.

Notice of
withdrawal

(5) Subject to subsection 3, a member who has given

notice of withdrawal, or is expelled from a credit union, has no further rights in the credit union, but he is not, by the withdrawal or expulsion, released from any remaining liability to the credit union.

(6) Where, in the opinion of the board of directors of the credit union, the payments in accordance with subsections 3 and 4 would not be in the best interests of the credit union, the board may by resolution suspend such payments for a period of one year or for such greater period and on such terms and conditions as the Director may approve. Extension
of time

41.—(1) Subject to subsection 2, a member may be expelled from membership in a credit union for misconduct in the affairs of the credit union or for failure to abide by the conditions of membership set out in the by-laws by a resolution passed by a majority of the members at a meeting duly called for that purpose. Expulsion
of members

(2) A resolution under subsection 1 is not valid unless, Notice of
misconduct

(a) a charge constituting grounds for expulsion has been made against the member by another member by filing with the board of directors full particulars in writing of such misconduct signed by him;

(b) the member charged has been furnished with a copy of the particulars at least four weeks previous to the meeting at which the resolution is to be considered; and

(c) an opportunity is given to the member charged to appear either personally or by counsel or his agent to make submissions at the meeting of the members called to consider the resolution expelling him.

(3) The notice calling the meeting of members shall state that the charge has been made and specify the names of the members concerned. Notice of
meeting

(4) A member who is expelled is entitled to a refund of the amount paid on his shares and his deposits with the credit union as well as any dividends, interest or rebate of loan interest paid or payable to other members of the credit union as of the date of his expulsion on the same conditions that the board of directors have made applicable to all members of the credit union. Refund to
expelled
member

42.—(1) Subject to subsection 2, a member of a credit union may maintain an action in a court of competent Repre-
sentative
action

jurisdiction in a representative capacity for himself and all other members of the credit union suing for and on behalf of the credit union to enforce any right, duty or obligation owed to the credit union under this Act or under any other statute or rule of law or equity that could be enforced by the credit union itself, or to obtain damages for any breach of any such right, duty or obligation.

Court order
required

(2) An action under subsection 1 shall not be commenced until the member has obtained an order of the court permitting the member to commence the action.

Notice

(3) A member may, upon at least seven days notice to the credit union, apply to the court for an order referred to in subsection 2, and, if the court is satisfied that,

- (a) the member was a member of the credit union at the time of the transaction or other event giving rise to the cause of action;
- (b) the member has made reasonable efforts to cause the credit union to commence or prosecute diligently the action on its own behalf; and
- (c) the member is acting in good faith and it is *prima facie* in the interests of the credit union or its members that the action be commenced,

the court may make the order upon such terms as the court thinks fit.

Costs

(4) At any time or from time to time while an action commenced under this section is pending, the plaintiff may apply to the court for an order for the payment to the plaintiff by the credit union of reasonable interim costs, including solicitor's and counsel fees and disbursements, for which interim costs the plaintiff shall be accountable to the credit union if the action is dismissed on final disposition at the trial or on appeal.

Action
not to be
discontinued,
etc., without
court
approval

(5) An action commenced under this section shall not be discontinued, settled or dismissed for want of prosecution without the approval of the court and, if the court determines that the interests of the member or any class thereof may be substantially affected by such discontinuance, settlement or dismissal, the court, in its discretion, may direct that notice in manner, form and content satisfactory to the court shall be given, at the expense of the credit union or any other party to the action as the court directs, to the members or class thereof whose interests the court determines will be so affected.

DIRECTORS

43.—(1) Each of the persons named as first directors ^{First directors} in the articles of a credit union is a director of the credit union until replaced by a person duly elected or appointed in his stead.

(2) The first directors of a credit union have all the ^{Idem} powers and duties and are subject to all the liabilities of directors.

44.—(1) Every credit union shall have a board of directors ^{Election} who shall be elected from its members in the manner provided in its by-laws and who shall hold office for such term as the by-laws provide and until their successors are elected.

(2) A credit union may by by-law increase or decrease ^{Change in number} the number of its directors set out in the articles, subject to the minimum.

(3) A member entitled to vote at an election of directors, ^{Voting} if he votes, shall cast thereat a number of votes equal to the number of directors to be elected, and the member shall distribute the votes among the candidates in such manner as he sees fit, but no candidate shall receive more than one vote from each member.

45.—(1) No person shall be a director of a credit union ^{Directors to be members} unless he is a member thereof and of the full age of eighteen years, and, if he ceases to be a member, he thereupon ceases to be a director.

(2) No member shall be a director of a credit union ^{Qualifications} unless he is a Canadian citizen, or is a person lawfully admitted to Canada for permanent residency who is ordinarily resident in Canada.

(3) No person shall be a director of a credit union who ^{Conflict of interest} is a full-time employee of the credit union.

46.—(1) The board of directors shall manage or supervise ^{Duties of board} the affairs and business of the credit union and perform such duties as prescribed by this Act, the regulations and the by-laws of the credit union.

(2) The by-laws may provide for the election and retirement of directors in rotation, but in that case no director shall be elected for a term of more than three years. ^{Election in rotation}

(3) A majority of the board of directors constitutes a ^{Quorum} quorum.

Continuance in office	(4) If an election of directors is not held within the prescribed period, the directors continue in office until their successors are elected.
Vacancies	(5) Where a vacancy occurs in the board and a quorum of directors remains, the directors remaining in office may appoint a qualified person to fill the vacancy until the next annual meeting of the credit union.
Where no quorum	(6) When there is not a quorum of directors in office, the director or directors then in office shall forthwith call a general meeting of the members to fill the vacancies, and, in default or if there are no directors then in office, the meeting may be called by any member.
Expulsion of directors	47. —(1) When a member of the board of directors fails to attend three consecutive meetings of the board without, in the opinion of the board, having a reasonable cause therefor or fails to perform any of the duties allotted to him as a director, his position on the board may be declared vacant by the remaining directors who may appoint a qualified person to fill the vacancy until the next annual meeting of the credit union.
Removal of directors	(2) The members may, by resolution passed by two-thirds of the votes cast at a general meeting duly called for the purpose, remove a director before the expiration of his term of office, and shall by vote cast at that meeting elect another director in his stead for the remainder of his term.
Notice	(3) The notice calling the meeting of the members referred to in subsection 2 shall specifically state that the purpose of the meeting is to remove the director who is named therein.
Right to make repre- sentations	(4) The director has the right at the meeting to make such representations to the members regarding the resolution for his removal as he thinks fit and may be represented by legal counsel or an agent.

CREDIT COMMITTEE

Credit committee	48. —(1) Subject to section 50, every credit union shall have a credit committee who shall be elected from its members in the manner prescribed by its by-laws and who shall hold office for such term as the by-laws provide and until their successors are elected.
Number of members	(2) The credit committee shall consist of the number of members fixed by the by-laws, which shall be not fewer than three.
Qualifi- cations	(3) No person who is a member of the board of directors

or of the supervisory committee or who is an officer of the credit union shall be a member of the credit committee, except that the president may be a member of the credit committee if he is so authorized by by-law.

(4) No member shall be a member of the credit committee unless he is of the full age of eighteen years. Age

(5) A majority of the credit committee, not including the president, constitutes a quorum. Quorum

(6) A member entitled to vote at an election of members of the credit committee, if he votes, shall cast thereat a number of votes equal to the number of members of the credit committee to be elected, and the member shall distribute the votes among the candidates in such manner as he sees fit, but no candidate shall receive more than one vote from each member. Voting at election

(7) Where a vacancy occurs in the credit committee, the board of directors may fill all vacancies until the next annual meeting of the credit union. Vacancies

(8) The by-laws of the credit union may provide for the election and retirement of members of the credit committee in rotation, but in that case no member of the credit committee shall be elected for a term of more than three years. Election in rotation

49.—(1) The credit committee shall consider all applications for loans and within the limits provided in the by-laws approve all loans to members of the credit union and perform such duties as are prescribed by this Act, the regulations and the by-laws of the credit union. Duties

(2) When a member of the credit committee fails to attend three consecutive meetings without, in the opinion of the other members of the committee, having a reasonable cause therefor or fails to perform any of the duties allotted to him as a member of the committee, his position on the committee may be declared vacant by the other members of the committee who may then appoint a qualified person to fill the vacancy until the next annual meeting of the credit union. Removal of member

50.—(1) The board of directors of a credit union may by by-law appoint one or more persons who are employees of the credit union, to act as a loan officer and perform all or such part of the duties of the credit committee as are specified by the by-law. Loan officer

May
supersede
credit
committee

(2) If the by-law provides that the person or persons so appointed shall perform all the duties of the credit committee, it shall also provide that as long as the by-law remains in force, it shall not be necessary to elect a credit committee as required by section 48 or that, as long as the by-law remains in force, the credit committee shall have only the powers of an advisory committee.

Officer to
approve loan

51.—(1) The credit committee may, upon such terms and conditions as the board of directors may specify, authorize the treasurer, manager or other employee of the credit union to approve loans to a member.

Monthly
report

(2) Any person authorized by the credit committee to approve loans under subsection 1 shall submit a written monthly report to the credit committee stating the number of loan applications received, the number of loans granted and the security, if any, obtained for such loans.

Duties of
such persons
appointed

(3) The responsibilities and duties of any person authorized to approve loans under subsection 1 is concurrent with the responsibilities and duties of the credit committee.

Credit
committee
reports

52. The credit committee shall hold meetings not more than three months apart, shall keep minutes of its meetings and shall,

(a) submit a written report to the board of directors stating the number of loan applications received, the number and category of loans granted, the security obtained for such loans together with a report on applications denied and a report on all loans that are delinquent; and

(b) submit a written annual report on such matters to the annual meeting of the credit union.

Removal of
member

53.—(1) The members may, by resolution passed by two-thirds of the votes cast at a general meeting duly called for the purpose, remove a member of the credit committee before the expiration of his term of office, and shall by vote cast at that meeting elect another member in his stead for the remainder of his term.

(2) The notice calling the meeting of members referred to in subsection 1 shall specifically state that the purpose of the meeting is to remove the member of the credit committee who is named therein. Notice

(3) The member of the credit committee has the right to make such representations at the meeting regarding the resolution for his removal as he thinks fit, and may be represented by legal counsel or an agent. Right to make representations

SUPERVISORY COMMITTEE

54.—(1) Subject to section 58, every credit union shall have a supervisory committee who shall be elected from its members in the manner prescribed in its by-laws and shall hold office for such term as the by-laws provide and until their successors are elected. Supervisory committee

(2) The supervisory committee shall consist of the number of members fixed by the by-laws, which shall be not fewer than three. Composition

(3) No person who is a member of the board of directors or credit committee or who is an officer of the credit union shall be a member of the supervisory committee. Qualifications

(4) No member shall be a member of the supervisory committee unless he is of the age of eighteen years. Age

(5) A majority of the supervisory committee constitutes a quorum. Quorum

(6) A member entitled to vote at an election of members of the supervisory committee, if he votes, shall cast thereat a number of votes equal to the number of members of the supervisory committee to be elected, and the member shall distribute the votes among the candidates in such manner as he sees fit, but no candidate shall receive more than one vote from each member. Voting at election

(7) Where a vacancy occurs in the supervisory committee, the board of directors may fill all vacancies until the next annual meeting of the credit union. Vacancies

(8) The by-laws of the credit union may provide for the election and retirement of members of the supervisory committee in rotation, but in that case no member shall be elected for a term of more than three years. Election in rotation

55.—(1) The supervisory committee shall examine the books of the credit union, confirm the cash instruments, property and securities of the credit union and confirm the deposits of the members and perform such other duties as Duties

are prescribed by this Act, the regulations and the by-laws of the credit union.

Idem

(2) When a member of the supervisory committee fails to attend three consecutive meetings of the committee without, in the opinion of the supervisory committee, having a reasonable cause therefor, or fails to perform any of the duties allotted to him as a member of the committee, his position on the committee may be declared vacant by the remaining members of the committee who may appoint a qualified person to fill the vacancy until the next annual meeting of the credit union.

Clerks

(3) The supervisory committee may appoint such persons as it considers necessary to assist it in performing its duties, but the remuneration to be paid to such persons is subject to the approval of the board of directors.

Duty when
misappropriation,
etc.

56.—(1) When the supervisory committee is of the opinion that the funds, securities or other property of the credit union have been misappropriated or misdirected, or in the event that the by-laws of the credit union, this Act or the regulations have been contravened by the board of directors, the credit committee or a member thereof or an officer or employee engaged by the board of directors, the supervisory committee shall forthwith advise the Director and the Ontario Share and Deposit Insurance Corporation in writing.

Audit

(2) The supervisory committee shall appoint an auditor or auditors or a league to assist it in determining whether any of the funds, securities or other property of the credit union have been misappropriated or misdirected and the remuneration of any auditor or league so appointed shall be paid by the credit union and determined by the supervisory committee.

Suspension

(3) In the event of a misappropriation or misdirection or a suspected misappropriation or misdirection as referred to in subsection 1, the supervisory committee may suspend any member of the board of directors or credit committee or any officer or employee without the holding of a general meeting and may appoint another person to perform the duties of the person so suspended, until a new member is duly elected or a new officer or employee appointed.

Meeting
of
members

(4) The supervisory committee shall forthwith give notice of a general meeting of the members to be held within fourteen days after the suspension under subsection 3.

(5) The supervisory committee shall report to the general ^{Idem} meeting all the circumstances of any misappropriation or misdirection of funds, securities or other property and the reasons for any suspension, and the members of the credit union may, by resolution, dismiss from office any person so suspended, and, when the members of the credit union do not so vote to dismiss from office any person so suspended, that person shall be reinstated forthwith.

57.—(1) The supervisory committee shall not meet less ^{Meetings} frequently than every three months, and, where no auditor has been appointed, shall meet at least every month, and shall at each such meeting examine the affairs of the credit union.

(2) The supervisory committee shall keep minutes of its ^{Report of minutes} meetings and shall,

- (a) within seven days of each meeting report the results thereof in writing to the board of directors; and
- (b) submit a written report to the annual meeting of the members of the credit union.

58.—(1) A credit union may, by by-law, provide for the ^{Auditors} appointment of an auditor or auditors in addition to or substitution for the supervisory committee and may delegate to such auditor or auditors such part of the duties of the supervisory committee as the by-law provides.

(2) The board of directors of the credit union may fix the ^{Remuneration of auditors} remuneration of the auditor or auditors.

(3) Where a credit union has passed a by-law under ^{Delegation of powers to board of directors} subsection 1 appointing an auditor or auditors to perform the duties of the supervisory committee, the by-law may further delegate the remaining powers and duties of the supervisory committee to the board of directors and so long as such by-law remains in force no supervisory committee shall be elected as required by section 54.

59.—(1) The members may, by resolution passed by two- ^{Removal of members} thirds of the votes cast at a general meeting duly called for the purpose, remove a member of the supervisory committee before the expiration of his term of office, and shall by vote cast at that meeting elect another member in his stead for the remainder of his term.

(2) The notice calling the meeting of members referred to ^{Notice} in subsection 1 shall state that the purpose of the meeting

is to remove the member of the supervisory committee who is named therein.

Right to
make repre-
sentations

(3) The member of the supervisory committee has the right to make such representations to the members regarding the resolution for his removal as he thinks fit, and may be represented by legal counsel or an agent.

OFFICERS

Officers

60.—(1) A credit union shall have a president and secretary and such other officers as are provided for by by-law.

Idem

(2) The board of directors shall elect the president from among themselves.

Remunera-
tion of
officers

(3) All payments to officers of a credit union for services rendered shall be approved by its board of directors.

Idem

(4) No officer or employee shall be paid or compensated on any basis that would relate such payment or compensation to the profits of the credit union or to an increase in the assets of the credit union.

Bond on
certain
officers
and
employees

61.—(1) Every officer or employee engaged by the board of directors of a credit union who receives or has charge of money shall, before assuming the duties of his office, furnish a bond for the due accounting of moneys received by him and the faithful performance of his duties with such sureties and in such form and amount as the board of directors may determine.

Minimum
amount of
bond

(2) The Lieutenant Governor in Council may make regulations prescribing the minimum amount of any bond to be provided under subsection 1.

AUDITORS AND FINANCIAL STATEMENTS

Appointment
of auditors

62.—(1) The members of a credit union having combined paid-in capital and deposits of more than \$500,000 and a credit union permitted to operate with negotiable orders shall,

- (a) at their first general meeting appoint one or more auditors to hold office until the close of the first annual meeting and, if the members fail to do so, the board of directors shall forthwith make such appointment or appointments; and

- (b) at each annual meeting appoint one or more auditors to hold office until the close of the next annual meeting and, if an appointment is not so made, the auditor in office continues in office until a successor is appointed.

(2) The members of any other credit union may appoint ^{Idem} an auditor.

(3) The board of directors may fill any casual vacancy ^{Casual vacancy} in the office of auditor, but, while such vacancy continues, the surviving or continuing auditor, if any, may act.

(4) The members may, by resolution passed by a majority ^{Removal of auditors} of the votes cast at a general meeting duly called for the purpose, remove an auditor before the expiration of his term of office, and shall by a majority of the votes cast at that meeting appoint another auditor in his stead for the remainder of his term.

(5) Before calling a general meeting for the purpose ^{Notice to auditor} specified in subsection 4, the credit union shall, fifteen days or more before the mailing of the notice of the meeting, give to the auditor,

(a) written notice of the intention to call the meeting, specifying therein the date on which the notice of the meeting is proposed to be mailed; and

(b) a copy of all material proposed to be sent to members in connection with the meeting.

(6) The auditor has the right to make to the credit union ^{Right to make representations} three days or more before the mailing of the notice of the meeting, representations in writing concerning his proposed removal as auditor, and the credit union, at its expense, shall forward with the notice of the meeting a copy of such representations to each member entitled to receive notice of the meeting.

(7) If for any reason no auditor is appointed, under subsection 1, the Director may require that the board of directors appoint one or more auditors to hold office until the close of the next annual meeting and the board shall establish the remuneration to be paid by the credit union for his or their services. ^{Appointment by the director}

(8) The credit union shall give notice in writing to an auditor of his appointment forthwith after the appointment ^{Notice of appointment} is made.

Notice of
intention

(9) A person, other than an incumbent auditor, may not be appointed auditor at an annual meeting unless notice of an intention to nominate that person to the office of auditor has been given by a member to the credit union not less than fifteen days before the mailing of the notice of the meeting at which the auditor is to be appointed, and, where such notice is given, the credit union shall send a copy of the notice to the incumbent auditor and to the person whom it is intended to nominate and shall give notice thereof to the members of the credit union.

Right to
make repre-
sentations

(10) The incumbent auditor has the right to make to the credit union, three days or more before the mailing of the notice of the meeting representations in writing concerning the proposal not to reappoint him as auditor, and the credit union, at its expense, shall forward with the notice of the meeting, a copy of such representations to each member entitled to receive notice of the meeting.

Persons dis-
qualified as
auditors

63.—(1) No person shall be appointed or act as the auditor of a credit union who is a director, officer, or employee of the credit union, or a member of the credit committee or supervisory committee thereof, or who is a partner, employer or employee of any such director, member, officer or employee, or who is a related person to any director or officer of the credit union or to a member of the credit committee or supervisory committee thereof.

Auditors not
to be
appointed
receivers

(2) No person shall be appointed a receiver or a receiver and manager or liquidator of any credit union of which he or any partner or employer of or a related person to him is the auditor or has been the auditor within the two years preceding his appointment as receiver and manager or liquidator.

Trustee in
bankruptcy
not to be
auditor
R.S.C. 1970,
c. B-3

(3) No person who is appointed a trustee of the estate of a credit union under the *Bankruptcy Act* (Canada) or any partner or employer of or a related person to him shall be appointed or act as auditor of the credit union.

Annual
audit

64.—(1) The auditor shall make such examination as will enable him to report to the members of the credit union as required by subsection 2.

Auditor's
report

(2) The auditor shall make a report to the members of the credit union on the financial statement to be placed before the members at its annual meeting in accordance with section 71, and shall state in his report whether in his opinion the financial statement referred to therein presents fairly the financial position of the credit union and the results of its operations for the period under review in

accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding period, if any.

(3) The auditor shall also report that his examination was made in accordance with generally accepted auditing standards and that accordingly it included such tests and other procedures as he considered necessary in the circumstances. Auditor's statement

(4) When the report under subsection 2 does not contain the unqualified opinion required thereby, the auditor shall state in his report the reasons therefor. Qualified report

(5) Where facts come to the attention of the officers or board of directors which, if known prior to the date of the last annual meeting of members, would have required a material adjustment to the financial statement presented to such meeting, the officers or board shall communicate such facts to the auditor who reported to the members under this section and the board shall forthwith amend the financial statement and send it to the auditor. Facts discovered after statement

(6) On the receipt of facts furnished under subsection 5 or from any other source, the auditor shall, if in his opinion it is necessary, amend his report in respect of the financial statement in accordance with subsection 4 and the board of directors or, if they fail to do so within a reasonable time, the auditor shall mail the amended report to the members. Amendment of auditor's report

(7) The auditor of a credit union has right of access at all times to all records, documents, accounts and vouchers of the credit union and is entitled to require from the board of directors, officers, employees and members of the credit committee or the supervisory committee of the credit union such information and explanation as in his opinion are necessary to enable him to report as required by subsection 2. Right of access

(8) The auditor of a credit union is entitled to attend any meeting of members of the credit union and to receive all notices and other communications relating to any such meeting that a member is entitled to receive, and to be heard at any such meeting that he attends on any part of the business of the meeting that concerns him as auditor. Right to attend meetings

(9) Any member of a credit union who is entitled to vote at meetings of members, may, by notice in writing to the credit union given five days or more before any meeting of Member's right to require auditor's attendance

members, require the attendance of the auditor at such meeting at the credit union's expense, and in such event the auditor shall attend the meeting.

Auditor to
answer
inquiries

(10) At any meeting of members, the auditor, if present, shall answer inquiries directed to him concerning the basis upon which he formed the opinion stated in the report made under subsection 2.

OFFICERS—GENERAL

Standards
of care

65. Every director, officer, member of a supervisory committee and member of a credit committee of a credit union shall exercise the powers and discharge the duties of his office honestly, in good faith and in the best interests of the credit union, and in connection therewith shall exercise the degree of care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

Validity
of acts of
officers and
directors

66. An act done by a director, member of the supervisory committee, member of the credit committee or officer of a credit union is not invalid by reason only of any defect that is thereafter discovered in his appointment, election or qualification.

Liability

67. The liability imposed by this Act upon a director, member of the credit committee, member of the supervisory committee, officer of a credit union or any person authorized to approve loans under section 51 is in addition to any other liability that is by law imposed upon him.

Indemnity

68.—(1) Subject to subsection 2, the by-laws of the credit union may provide that every director, credit committee member, supervisory committee member or officer may from time to time be indemnified and saved harmless by the credit union from and against,

(a) any liability and all costs, charges and expenses that he sustains or incurs in respect of any action, suit or proceeding that is proposed or commenced against him or in respect of anything done or permitted by him in respect of the execution of the duties of his office; and

(b) all other costs, charges and expenses that he sustains or incurs in respect of the affairs of the credit union.

Idem

(2) The credit union shall not indemnify any person under subsection 1 in respect of any liability, costs, charges or expenses that he sustains or incurs in or about any action,

suit or other proceeding as a result of which he is adjudged to be in breach of any duty or responsibility imposed upon him by this Act or any other statute unless, in an action brought against him in his capacity of director, credit committee member, supervisory committee member or officer, he has achieved complete or substantial success as a defendant.

(3) A credit union may purchase and maintain insurance for the benefit of a director, credit committee member, supervisory committee member or officer thereof, except insurance against a liability, cost, charge or expense incurred as a result of a contravention of section 65. Insurance

69.—(1) Every director, officer, credit committee member or supervisory committee member of a credit union who has, directly or indirectly, any interest in any contract or transaction to which the credit union is or is to be a party, including services rendered in a professional or business capacity, other than a contract limited solely to his remuneration for holding office, or who is, directly or indirectly, the beneficiary of any consideration or benefit as a result of any such contract or transaction to which the credit union is or is to be a party, shall declare his interest in such contract or transaction and the amount of any consideration or benefit of which he is the direct or indirect beneficiary at a meeting of the board of directors, credit committee or supervisory committee, as the case may be, and shall at that time disclose the nature and extent of such interest, to the extent to which such information is within his knowledge or control, and shall not vote and shall not in respect of such contract or transactions be counted in the quorum. Disclosure of interest in contracts

(2) The disclosure required by subsection 1 shall be made at the earliest possible meeting after the director, credit committee member or supervisory committee member becomes aware of the potential conflict of interest. Time for disclosure

(3) If a director, officer, credit committee member or supervisory committee member has made a declaration and disclosure of his interest in a contract or a transaction in compliance with this section and has not voted in respect of the contract or transaction at the meeting at which it was considered and was acting honestly and in good faith at the time the contract or transaction was entered into, he is not by reason only of his holding office accountable to the credit union or to its members for any profit or gain realized from the contract or transaction, and the contract or transaction, if it was in the best interest of the credit union, is not voidable by reason only of his interest therein. Effect of declaration

Confirmation
by
members

(4) Notwithstanding anything in this section, a director, officer, credit committee member or supervisory committee member, if he was acting honestly and in good faith, is not accountable to the credit union or to its members for any profit or gain realized from such contract or transaction by reason only of his holding office, and the contract or transaction, if it was in the best interest of the credit union at the time it was entered into is not by reason only of his interest therein voidable,

- (a) if the contract or transaction is confirmed or approved by at least two-thirds of the votes cast at a general meeting of the members duly called for that purpose; and
- (b) if the nature and extent of the interest in the contract or transaction are declared and disclosed in reasonable detail in the notice calling the meeting.

MEETINGS

Notice of
meetings

70.—(1) Notice of the time and place for holding a meeting of the members of a credit union shall be given in accordance with the by-laws of the credit union, but in no event shall notice be given later than seven days before the date of the meeting or earlier than fifty days before the date of the meeting.

Idem

(2) Notice of any meeting at which directors are to be elected shall contain the information disclosed by a director under subsection 1 of section 69.

Idem

(3) Notice of a meeting shall be given to each member of a credit union who on the record date for notice appears on the records of the credit union as a member by,

- (a) sending the notice by prepaid mail to his latest address as shown on the records of the credit union;
- (b) delivering the notice to him at his place of employment; or
- (c) publishing the notice in a newspaper which circulates in the community in which the head office of the credit union is located.

Chairman

(4) The president, or in his absence, a vice-president who is a director, shall preside as chairman at a meeting of members, but if there is no president or such a vice-president, or if at a meeting neither of them is present

within fifteen minutes after the time appointed for the holding of the meeting, the members present shall choose a person from among their number to be the chairman.

71.—(1) The first and every successive meeting of a credit union shall be held at such time and place in Ontario as its by-laws provide, and, in default of provisions in that behalf, the annual meeting shall be held at its head office within 120 days of the year end of the credit union. ^{Annual meeting}

(2) At such meeting, the board of directors shall place before the members, ^{Business to be dealt with}

(a) financial statements showing matters prescribed by the regulations relating separately to,

(i) the period that commenced on the date the credit union came into existence and ended not more than four months before the annual meeting or, if the credit union has completed a financial year, the period that began immediately after the end of the last completed financial year and ended not more than four months before the annual meeting, and

(ii) the period covered by the financial year next preceding such latest completed financial year, if any;

(b) the report of the supervisory committee, if any;

(c) the report of the auditor, if any; and

(d) such further information respecting the financial position of the credit union and the results of its operations as its by-laws require.

(3) The report of the supervisory committee, if any, to the members shall be read at the annual meeting and shall be open to inspection at the meeting by any member. ^{Report of supervisory committee}

(4) The report of the auditor, if any, to the members shall be read at the annual meeting and shall be open to inspection at the meeting by any member. ^{Report of auditor}

(5) The board of directors of the credit union shall approve the financial statements referred to in clause a of sub-section 2 and the approval shall be evidenced by the signature at the foot of the balance sheet of two duly authorized directors. ^{Approval of financial statement}

Distribution
of financial
statement

(6) The notice of the annual meeting of members shall be accompanied by a copy of the financial statements referred to in clause *a* of subsection 2 and a copy of the auditor's report, if any, or shall specify that copies of the above will be available at the meeting and copies of the above shall also be filed with the Director at least seven days before the date of the meeting.

General
meetings

72. The board of directors may at any time call a general meeting of the members for the transaction of any business, the general nature of which is specified in the notice calling the meeting.

Requisition
for members'
meeting

73.—(1) 5 per cent of the members of a credit union may requisition the board of directors to call a general meeting of the members for any purpose that is connected with the affairs of the credit union and that is not inconsistent with this Act.

Requisition

(2) The requisition shall state the general nature of the business to be presented at the meeting and shall be signed by the requisitionists and deposited at the head office of the credit union and may consist of several documents in like form, each signed by one or more requisitionists.

Duty of
directors
to call
meeting

(3) Upon deposit of the requisition, the board of directors shall forthwith call a general meeting of the members for the transaction of the business stated in the requisition.

When re-
quisitionists
may call
meeting

(4) If the board of directors do not within twenty-one days from the date of the deposit of the requisition call the meeting, any of the requisitionists may call the meeting, which shall be held within sixty days from the date of the deposit of the requisition.

Calling of
meeting

(5) A meeting called under this section shall be called as nearly as possible in the same manner as meetings of members are called under the by-laws, but, if the by-laws provide for more than twenty-one days notice of meetings, twenty-one days notice is sufficient for the calling of the meeting.

Repayment
of expenses

(6) The credit union shall,

- (a) reimburse all or any of the requisitionists for any reasonable expenses incurred by them by reason of the action taken by them under subsection 4; and
- (b) retain out of any moneys due or to become due, by way of fees or other remuneration for their services, to such of the board of directors as were in default, an amount equal to the amount the requisitionists

were reimbursed, unless, at the meeting, the members by a majority of the votes cast reject the reimbursement of the requisitionists.

74. Every credit union shall without charge supply to every member upon application therefor or as provided by its by-laws, a copy of its last comparative financial statement. Annual statement to be given to members

75.—(1) Except as provided in this Act, no member or other person has any right to inspect the books of a credit union. Inspection of books

(2) Any member or other person having an interest in the funds of a credit union may inspect his own account and the books containing the names of the members at all reasonable hours at its head office or at whatever other place they are kept, subject to such conditions as to time and manner of inspection as the by-laws may prescribe. Idem

(3) A credit union may by by-law authorize the inspection of any of its books therein mentioned, in addition to the books containing the names of members, under such conditions as are thereby prescribed, and no person, unless he is an officer of the credit union or is specifically authorized by a resolution thereof, has the right to inspect the loan or deposit account of any other member without such other member's written consent. As to loan or deposit accounts of members

76.—(1) A credit union may establish a branch or branches subject to such terms and conditions as are prescribed by the regulations and the branch may, by by-law, provide for the holding of meetings of the members who belong thereto. Branch meetings

(2) Where a by-law under subsection 1 is in force, the members of a branch shall elect delegates, by special resolution, to represent the members at the annual or general meeting of the credit union, and the delegates so elected shall exercise the powers of the members of the branch at all meetings of the credit union and the members represented by such delegates are not entitled to vote at the meeting of the credit union. Delegates

(3) The number of delegates and votes allowed each branch at the meeting of the credit union shall be specified by the by-laws of the credit union, as well as the time, place and manner of calling a branch meeting, the number of members of the branch that constitute a quorum and the procedure to be followed in the conduct of the branch meeting. Number and votes

Majority

(4) The required majority vote for deciding each issue to be voted on at the branch meeting shall be the same as that required for deciding such issues at meetings of the entire membership of the credit union as specified in this Act, the regulations and the by-laws of the credit union.

DIVIDENDS

Dividends

77. Subject to the by-laws, the board of directors may declare, and the credit union may pay, a dividend on the amounts paid in on shares held by members at any time during the fiscal year and may, at their discretion, declare rebates of interest paid by members in respect of loans during that fiscal year.

When dividend not to be declared

78.—(1) The board of directors shall not declare and the credit union shall not pay any dividend when the credit union is insolvent, or any dividend the payment of which renders the credit union insolvent or that diminishes its capital.

Directors' joint and several liability

(2) The directors who vote in favour of or consent to the resolution authorizing the declaration of a dividend are jointly and severally liable to the credit union to the extent of the amount of the dividend so declared and paid or such part thereof as renders the credit union insolvent or diminishes its capital.

Exoneration

(3) If any director present at the meeting at which such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after he becomes aware of the dividend and is able to do so, delivers or sends to the credit union by registered mail his protest against the dividend, and within eight days thereafter, sends a copy thereof to the Director, the director thereby and not otherwise exonerates himself from liability.

INVESTMENTS

Investments

79.—(1) A credit union may lend or invest its funds in,

government securities

(a) the bonds, debentures, stocks or other evidences of indebtedness issued or guaranteed by the government of Canada, or of a province or territory of Canada;

municipal securities

(b) the bonds, debentures or other evidences of indebtedness issued or guaranteed by a municipal corporation in Canada, or by a school or religious corporation in Canada, or secured by rates or taxes levied under the authority of the government of a province of Canada on property situate in such

province and collectable by the municipalities in which such property is situate;

- (c) the bonds, debentures or other evidences of indebtedness issued by an authority or other body established and empowered pursuant to the law of Canada or any province thereof to administer, regulate the administration of, provide or operate port, harbour, airport, bridge, highway tunnel, transportation, communication, sanitation, water, electricity or gas services or facilities and, for any of these purposes, to levy, impose or fix taxes, rates, fees or other charges; revenue bonds
- (d) the bonds, debentures or other evidences of indebtedness issued by a corporation that are fully secured by a mortgage, charge or hypothec to a trustee, or to the credit union upon any, or upon any combination, of the following assets, bonds, etc., secured by mortgage
 - (i) improved real estate or leasehold,
 - (ii) the plant or equipment of a corporation that is used in the transaction of its business, or
 - (iii) bonds, debentures or other evidences of indebtedness or shares, of a class authorized by this subsection, as investments, or cash balances, if such bonds, debentures or other evidences of indebtedness, shares or cash balances are held by a trustee,

and the inclusion, as additional security under the mortgage, charge or hypothec, of any other assets not of a class authorized by this Act as investments shall not render such bonds, debentures or other evidences of indebtedness ineligible as an investment;
- (e) obligations or certificates issued by a trustee to finance the purchase of transportation equipment for a corporation incorporated in Canada to be used on railways or public highways, if the obligations or certificates are fully secured by, equipment trust certificates
 - (i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and
 - (ii) a lease or conditional sale thereof by the trustee to the corporation;

debentures

(f) the bonds, debentures or other evidences of indebtedness issued or guaranteed by,

(i) a corporation if, at the date of investment, the preferred shares or the common shares of the corporation are authorized as investments by clause *h* or *i*,

(ii) a corporation, if its earnings in a period of five years ended less than one year before the date of investment have been equal in sum total to at least ten times and in each of any four of the five years have been equal to at least one and one-half times the annual interest requirements at the date of investment on all indebtedness of or guaranteed by it, other than indebtedness classified as a current liability in its balance sheet, and, if the corporation at the date of investment owns directly or indirectly more than 50 per cent of the common shares of another corporation, the earnings of the corporations during the said period of five years may be consolidated with due allowance for minority interests, if any, and in that event the interest requirements of the corporation shall be consolidated and such consolidated earnings and consolidated interest requirements shall be taken as the earnings and interest requirements of the corporation, and, for the purpose of this subclause, "earnings" means earnings available to meet interest charges on indebtedness other than indebtedness classified as a current liability;

guaranteed
investment
certificates

(g) guaranteed investment certificates issued by a trust company incorporated in Canada if, at the date of investment, the preferred shares or the common shares of the trust company are authorized as investments by clause *h* or *i*;

preferred
shares

(h) the preferred shares of a corporation if,

(i) the corporation has paid a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or

(ii) the common shares of the corporation are, at the date of investment, authorized as investments by clause *i*;

- (i) the fully paid common shares of a corporation that ^{common shares} during a period of five years that ended less than one year before the date of investment has either,

- (i) paid a dividend in each such year upon its common shares, or
- (ii) had earnings in each such year available for the payment of a dividend upon its common shares,

of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid or in which the corporation had earnings available for the payment of dividends, as the case may be;

- (j) ground rents, mortgages, charges or hypothecs on ^{Mortgages, etc.} real estate or leaseholds in Ontario, but the amount paid for the mortgage, charge or hypothec together with the amount of indebtedness under any mortgage, charge or hypothec on the real estate or leasehold ranking equally with or prior to the mortgage, charge or hypothec in which the investment is made shall not exceed three-quarters of the value of the real estate or leasehold covered thereby;

- (k) mortgages or charges on improved real estate or ^{guaranteed mortgages} leaseholds in Ontario notwithstanding that the mortgage or charge exceeds the amount that the credit union is otherwise authorized to invest if the excess is insured or guaranteed by the government of Canada or Ontario or by an agency of the government of Canada or Ontario or by a policy of mortgage insurance issued by an insurance company licensed under *The Insurance Act* for such class of insurance; ^{R.S.O. 1970, c. 224}

- (l) real estate or leaseholds for the production of income ^{real estate or leaseholds for the production of income} in Canada either alone or jointly with any other credit union or with any loan corporation or trust of income company incorporated in Canada, if,

- (i) a lease of the real estate or leasehold is made to, or guaranteed by,

(A) the Government of Canada and its territories or of a province, or municipality thereof, or

(B) a corporation, the preferred shares or common shares of which are, at the

date of investment, authorized as investments by clause *h* or *i*,

- (ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and
- (iii) the total investment of a credit union in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the credit union,

and the credit union may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold;

other real
estate or
leaseholds
for the
production
of income

- (*m*) real estate or leaseholds for the production of income in Canada either alone or jointly with any other credit union or with any loan corporation or trust company incorporated in Canada, if,

- (i) the real estate or leasehold has produced, in each of the three years immediately preceding the date of investment, net revenue in an amount that, if continued in future years, would be sufficient to yield a reasonable interest return on the amount invested in the real estate or leasehold and to repay at least 85 per cent of that amount within the remaining economic lifetime of the improvements to the real estate or leasehold but not exceeding forty years from the date of investment, and

- (ii) the total investment of a credit union in any one parcel of real estate or in any one leasehold does not exceed 2 per cent of the book value of the total assets of the credit union,

and the credit union may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or dispose of the real estate or leasehold;

mutual
funds

- (*n*) in the fully paid shares or units of any mutual fund or corporation incorporated to offer public participation in an investment portfolio subject to such terms and conditions as may be prescribed by the Lieutenant Governor in Council.

(2) Notwithstanding clauses *k*, *l* and *m* of subsection 1, a ^{Idem} credit union may invest to an aggregate amount not exceeding 5 per cent of its unimpaired capital, deposits and reserves, in any other classes or types of investments, including mortgages or charges, the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings.

80. The following restrictions, limitations and prohibitions ^{Investment restrictions} apply to credit unions in the exercise of their investment policies under this Act,

- (a) a credit union shall not invest any of its funds in bonds, debentures or other evidences of indebtedness on which the payment of principal or interest is in default;
- (b) a credit union shall not act as an underwriter in connection with the purchase or sale of any securities or other property of any kind;
- (c) except as to securities issued or guaranteed by the Government of Canada or the government of a province of Canada, a credit union shall not invest in any one security or make a total investment in any one corporation that is not a credit union or a league, either by the purchase of shares or other securities of such corporation or by lending to it on the security of its debentures or other assets or any part thereof, of more than 10 per cent of the book value of the total assets of the credit union;
- (d) a credit union shall not make any investment the effect of which will be that it will hold more than 30 per cent of the common shares or 30 per cent of the total issued shares of any one corporation;
- (e) the total book value of the investments of a credit union in common shares shall not exceed 5 per cent of the book value of the total assets of the credit union;
- (f) the total book value of the investments of a credit union in real estate or leaseholds for the production of income shall not exceed 10 per cent of the book value of the total assets of the credit union;
- (g) a credit union shall not make any investment in or loan to another credit union an amount in excess of 1 per cent of its unimpaired capital, deposits and surplus without the written approval of the Director; and

(h) a credit union shall not invest in the shares of a corporation that is a member of the credit union.

Loans and
deposits

81.—(1) Subject to paragraphs 3 and 4 of subsection 2 of section 11, no credit union shall advance money by discount, loan or otherwise to, or accept deposits from, persons other than its members.

Limitation
on interest

(2) Interest, together with all the costs of borrowing including bonuses, premiums and penalties shall not exceed such amount as is prescribed by the regulations.

Loans to
officers

(3) No credit union shall lend to an officer or member of a committee or of the board of directors of the credit union an amount in excess of the aggregate of fully paid up shares and deposits of such member unless such loan is approved by the credit committee, the board of directors, and the supervisory committee.

Limitations
on loans to
members

(4) No credit union shall lend to a member an amount that is in excess of 10 per cent of the aggregate of its capital, members' deposits and surplus, or such lesser percentage as may be prescribed in the by-laws of the credit union.

Limitations
on loans to
unincor-
porated
members

(5) No credit union shall lend to a member who is an unincorporated association unless such loan is approved by the credit committee, the supervisory committee and the board of directors.

Loans to
corporate and
partnership
members

82.—(1) A credit union may make loans to corporations and partnerships who are members of the credit union in an aggregate not exceeding the greater of,

(a) 7 per cent of the credit union's unimpaired capital, deposits and surplus; or

(b) such percentage as the Director may approve, not in excess of 15 per cent of the unimpaired capital deposits and surplus of the credit union;

and such loans must be fully secured in the manner provided by the regulations.

Loans to
unincor-
porated
members

(2) A credit union may make secured loans to unincorporated associations who are members in aggregate not exceeding 1 per cent of the credit union's unimpaired share capital.

Loans to
individuals

(3) A credit union may make loans to members who are individuals on such terms as are provided for in the by-laws.

83. A credit union may make loans to its members by way of mortgage, charge or hypothecation on a term not exceeding five years, subject to renegotiation, and, Mortgage loans to members

(a) The maximum amount that may be loaned by way of mortgage, subject to any limitation in the by-laws of the credit union, shall not exceed,

(i) three-quarters of the value of the real estate to which the mortgage or charge relates unless the excess over three-quarters of the value of the real estate to which the mortgage or charge relates is insured or guaranteed by the government of Canada, or Ontario or by an agency thereof, or by a policy of mortgage insurance issued by an insurance company licensed under *The Insurance Act* for such class of insurance, R.S.O. 1970, c. 224

(ii) in the case of a second mortgage, the balance owing on the first mortgage shall be taken into account in meeting the requirements referred to in subclause i; and

(b) the mortgage shall contain a definitive provision for repayment which will result in the principal and interest being fully repaid within twenty-five years or such longer period of time as the regulations may prescribe,

but if the credit union becomes an approved lender for the purpose of making loans under the *National Housing Act*, the provisions of that Act apply to mortgage loans undertaken by the credit union under that Act. R.S.C. 1970, c. N-10

84. A credit union may make guaranteed loans under and in accordance with the provisions of the *Canada Student Loans Act* (Canada), the *Farm Improvement Loans Act* (Canada) or the *Fisheries Improvement Loans Act* (Canada) and such other Act as may be designated by the regulations. Student loans
R.S.C. 1970, cc. S-17, F-3, F-22

85.—(1) The credit committee may approve an extension of credit for a member by way of contract loans and advances may be made to such member from time to time within the limits of the approved extension of credit. Loans and advances

(2) The credit committee shall review all extensions of credit and an extension of credit expires if the member becomes more than ninety days in default of any repayment. Review

Contract
loans

(3) An extension of credit by way of contract loan is a loan within the meaning of this Act.

Directors,
etc., not to
guarantee
loans

86. No director, member of a credit committee, member of a supervisory committee or credit union officer or employee shall cosign, endorse, or act as a guarantor for any borrower from the credit union unless such loan was made to a related person and approved in the manner provided in section 81.

Post-
ponement or
renegotiation
of loans

87. The credit committee of a credit union may in its discretion,

- (a) upon receipt of a written request from a borrower or his cosigner, postpone the due date for the repayment of any one or more instalments of the principal of the loan or any part of an instalment or postpone the due date for the payment of any one or more payments of interest on the loan or any part of a payment, or both, and fix due dates accordingly;
- (b) upon being satisfied that a loan is reasonably secure, authorize the release or substitution of any security or securities, in whole or in part, taken to secure a loan from the credit union to a member; and
- (c) renegotiate a loan from the credit union to a member upon new terms in the event the circumstances of the borrower have changed.

Disposal of
authorized
investments

88.—(1) The Director may order a credit union to dispose of and realize any of its investments not made or held in accordance with this Act, the regulations or the by-laws and the credit union shall within sixty days after receiving the order absolutely dispose of and realize such investments, and, if the amount realized therefrom falls below the amount paid by the credit union for the investments, the board of directors of the credit union are jointly and severally liable for the payment to the credit union of any deficiency.

Exoneration

(2) If any director present at the meeting at which an investment to which subsection 1 applies is authorized, forthwith, or if any director then absent, within fourteen days after he becomes aware of the investment and is able to do so, delivers or sends to the credit union by registered mail his protest against the investment, and within thirty days thereafter, sends a copy thereof by registered mail to the Director, the director thereby and not otherwise exonerates himself from liability.

89.—(1) The Director may order a credit union to call any loan it has made not authorized by this Act, the regulations ^{Call of unauthorized loans} or the by-laws and the credit union shall within sixty days after receiving the direction call the loan, if possible, and, if within that time the full amount of the loan is not repaid, the members of the credit committee, the person or persons appointed under section 50 and the person or persons authorized under section 51 are jointly and severally liable for the payment to the credit union of any deficiency upon the maturity of the loan.

(2) If any member of the credit committee present at the meeting at which such loan is authorized, forthwith, or if any credit committee member then absent, within fourteen days after he becomes aware of the loan and is able to do so, delivers or sends to the credit union by registered mail his protest against the loan, and, within thirty days thereafter, sends a copy thereof by registered mail to the Director, the credit committee member thereby and not otherwise exonerates himself from liability. ^{Exoneration}

90. A credit union may accept money on deposit at a specified rate of interest for a term not longer than five years. ^{Term deposits}

91.—(1) Where the combined share capital and the deposits of a credit union exceed \$100,000 and it has appointed an auditor in accordance with this Act and it has an accounting system satisfactory to the Director and its board of directors has so authorized, it may, so long only as the Director approves in writing, permit its members to use negotiable orders for the withdrawal of moneys on deposit. ^{Negotiable orders}

(2) The Director may at any time revoke any approval given under subsection 1. ^{Revocation of approval}

(3) No officer or employee of a credit union shall permit any withdrawal of moneys from the deposit or share account of a member unless the amount in such deposit or share account is equal to or in excess of the amount sought to be withdrawn, and any officer or employee who contravenes this subsection is guilty of an offence under this Act. ^{Withdrawal of money}

(4) Nothing in this section curtails, abridges, defeats or otherwise affects any remedy for the recovery from a member ^{Remedies not affected}

of any amount withdrawn in excess of the amount standing to his credit in his deposit or share account.

Reserve for
deposits

92.—(1) Each credit union shall at all times maintain to an aggregate of at least 10 per cent of the amount of deposits, shares and borrowings of the credit union,

R.S.O. 1970,
c. 254

(a) cash, including deposits with a chartered bank in Canada, a loan or trust company registered under *The Loan and Trust Corporations Act*, the Province of Ontario Savings Office or a league, providing that such deposits are callable within ninety days;

(b) unencumbered bonds, debentures or other obligations of or guaranteed by the Government of Canada or by the government of any province or shares of a league, valued at market value;

(c) in the case of a credit union that is in regular receipt of deductions made from the payroll of any of its members, an amount equal to any such deductions which have been made and are in the course of being remitted; and

(d) the asset referred to in subsection 7 of section 111 valued in accordance with that subsection.

Idem

(2) Where the Director has given approval to a credit union under subsection 1 of section 91, the credit union shall maintain in the manner specified in subsection 1 an additional reserve equal to 10 per cent of the aggregate amount on deposit with the credit union that is withdrawable by negotiable order.

Idem

(3) Of the amount required to be maintained under subsection 1, at least 10 per cent shall be maintained in cash as provided in clause *a* of subsection 1.

Loans
where
reserves
deficient

(4) No credit union shall make any loan or investment other than an investment authorized by clause *b* of subsection 1 until it has satisfied the requirements of subsection 1.

Regulations
re reserves

93. The Lieutenant Governor in Council may make regulations prescribing further percentages of the reserves or classes of deposits or investments required to be maintained under section 92.

94.—(1) Every credit union in computing its annual net income or loss shall make full provision for, Provision
for losses
and accrued
interest

(a) all doubtful loans, other doubtful receivables, and losses on investments; and

(b) all interest accruing on deposits.

(2) A credit union may by special resolution establish a reserve and may transfer to the reserve from undivided earnings or transfer from the reserve to undivided earnings such amounts as the board of directors may by resolution direct. Establish-
ment of
reserve

ONTARIO SHARE AND DEPOSIT INSURANCE CORPORATION

95. In sections 96 to 118, "Corporation" means the Ontario Share and Deposit Insurance Corporation. Interpre-
tation

96.—(1) There is hereby established a corporation without share capital to be known in English as the Ontario Share and Deposit Insurance Corporation and in French as La Société Ontarienne D'Assurance des Actions et Dépôts. Corporation
established

(2) *The Corporations Act* does not apply to the Corporation. Application
of
R.S.O. 1970,
c. 89

(3) The members of the Corporation shall be all credit unions incorporated in Ontario. Corporation
members

97.—(1) The board of directors of the Corporation shall be appointed by the Lieutenant Governor in Council and shall consist of, Board of
directors

(a) three persons nominated by a league that has more than fifty members and that is approved by the Lieutenant Governor in Council for the purpose of this section;

(b) one person nominated by a league that has fewer than fifty members and that is approved by the

Lieutenant Governor in Council for the purpose of this section; and

- (c) three persons to represent the public and the credit unions who are not members of a league.

Chairman (2) The board of directors shall elect or appoint from among themselves a chairman.

Functions **98.**—(1) The affairs of the Corporation shall be administered by the board of directors.

Chairman to preside (2) The chairman shall preside at all meetings of the Corporation but, where at any meeting the chairman is absent, one of the directors present thereat who is chosen so to act by the directors present shall preside and has and shall exercise the powers of the chairman.

Secretary and treasurer (3) The board of directors may appoint a secretary and a treasurer.

Quorum (4) A majority of the members of the board of directors constitutes a quorum.

Travelling expenses (5) A member of the board of directors shall be paid by the Corporation out of its income all reasonable travelling and living expenses incurred by him while absent from his ordinary place of residence in the course of his duties as a director and, in addition, may be paid out of income as remuneration for his services and duties such daily or other amount as may be fixed by the board and reported to its members in its annual report.

Annual report **99.**—(1) The Corporation shall within four months after the termination of each financial year transmit to its members, the Minister and the Superintendent, an annual report relating to its activities in that year including financial statements of the Corporation in the form required by section 71 and the auditor's report thereon, which shall be in accordance with sections 63 and 64.

Annual examination of the Superintendent (2) The Superintendent shall be deemed to have an interest in the Corporation as representative of all persons who may be claimants against credit unions, and the board of directors, officers and employees of the Corporation shall from time to time furnish the Superintendent with such information and financial statements with respect to the

Corporation as the Superintendent may require, and the Superintendent shall make an annual examination and report to the Minister and the Minister shall then lay the annual report of the Corporation and report of the Superintendent before the Assembly if it is in session or, if not, at the next ensuing session.

100. The members of the board of directors shall hold office for a term of three years commencing on the date on which they were appointed and thereafter until their successors are appointed and any casual vacancy occurring shall be filled in accordance with section 97 for the balance of the term of the director whose office became vacant. Term of office

101. The objects of the Corporation are, Objects

- (a) to accumulate, manage, invest, disburse and pay out a separate fund for each league and a further fund for all independent members, such funds to be accounted for separately and each fund receiving the revenues or assets and bearing all direct charges and an appropriate portion of such other charges as may be applicable to it;
- (b) to provide, in its discretion, financial assistance, having regard to the liabilities and assets of each fund, for the purpose of assisting any credit union in the appropriate category in its continued operation or in the orderly liquidation of its operations;
- (c) to provide, for the benefit of persons having shares or deposits with credit unions in Ontario deposit insurance against loss of part or all of such shares or deposits, by making payments to such persons to the extent and in the manner authorized by this Act.

102. The Corporation may do all things necessary or incidental to its objects and in particular, but without limiting the generality of the foregoing, the Corporation may, in furtherance of its objects, Ancillary powers

- (a) acquire assets from credit unions, make loans or advances to credit unions and take security therefor and guarantee loans to or deposits with credit unions;
- (b) require the payment of levies by credit unions for the purpose of establishing and maintaining the assets of the corporation;

- (c) assume the costs of winding up of credit unions;
- (d) acquire assets of credit unions from a liquidator or receiver thereof;
- (e) make an advance or grant for the purpose of paying lawful claims against credit unions in respect of any claims of their members for withdrawal of deposits or share capital and become subrogated as an unsecured creditor for the amount of such advance;
- (f) borrow money on the credit of the Corporation or on bills of exchange or promissory notes drawn, made, accepted or endorsed by or on behalf of the Corporation and may pledge as security all or any part of the assets of the funds;
- (g) make or cause to be made such inspections or examinations of credit unions as may be authorized under this Act;
- (h) declare and pay dividends to its members; and
- (i) do all such other things, not contrary to this Act, as may be necessary for the exercising of any of the powers of the Corporation.

Powers and
duties of
Corporation

103. The board of directors shall administer the affairs of the Corporation in all things and make, or cause to be made, for the Corporation any description of contract that the Corporation may by law enter into, and, subject to the approval of the Lieutenant Governor in Council, the Corporation may make by-laws for,

- (a) the administration, management and control of the property and affairs of the Corporation;
- (b) the functions, duties and remuneration of all officers, agents and employees of the Corporation;
- (c) the appointment or disposition of any special committees from time to time created by the Corporation;
- (d) the appointment of an auditor;
- (e) determining the seal of the Corporation;
- (f) the time and place for the holding of meetings of the board of directors and the procedure in all things at such meetings;

- (g) prescribing standards of sound business and financial practices for credit unions;
- (h) prescribing the manner in which a credit union may represent that it is a contributor to the Corporation;
- (i) defining the expression "deposit" for the purpose of deposit insurance;
- (j) authorizing and controlling the use by credit unions of marks, signs, advertisements or other devices indicating that deposits with credit unions are insured by the Corporation;
- (k) the conduct in all other particulars of the affairs of the Corporation.

104. For the purposes of carrying out any investigation or inquiry authorized by this Act, the Corporation may appoint any person in writing to carry out the investigation or inquiry and the person so appointed shall be given free access to the books, records and documents of the credit union and has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the investigation or inquiry as if it were an inquiry under that Act.

Powers of investigation
1971, c. 49

105.—(1) No person, other than a credit union who is a member of the Corporation, shall by any written or oral representations of any kind advertise or hold out any corporation, society or association as being insured or approved for deposit insurance by the Corporation and a person who contravenes this subsection is guilty of an offence.

Prohibition as to holding out insured

(2) No credit union shall advertise or hold out by any written or oral representation that it is insured by the Corporation otherwise than by such marks, signs, advertisements or other devices as are authorized by the by-laws of the Corporation and used in the manner and on the occasions prescribed by the by-laws and a credit union who contravenes this subsection is guilty of an offence.

Advertising

106. The fiscal year end of the Corporation ends on the 31st day of December in each year.

Fiscal year

107.—(1) The Corporation may, in its discretion, invest any funds not required in carrying out its objectives in the classes of securities in which a credit union may invest its

Investment of funds

funds under section 79 and subject to the restrictions, limitations and prohibitions contained in section 80.

Idem

(2) Notwithstanding subsection 1, the Corporation shall at all times maintain more than 50 per cent of the book value of its total assets invested in,

- (a) unencumbered debentures, bonds, stocks or other securities of or guaranteed by the Government of Canada or of or guaranteed by any province of Canada;
- (b) the bonds, debentures or other evidences of indebtedness issued or guaranteed by a municipal corporation in Canada;
- (c) guaranteed investment certificates issued by a trust company incorporated in Canada if, at the date of investment, the preferred or common shares of the trust company are authorized as investments under section 79;
- (d) cash on hand or on deposit in a chartered bank or a loan or trust company registered under *The Loan and Trust Corporations Act* or a league, or the Canadian Co-operative Credit Society or other institution that is prescribed by regulation,

R.S.O. 1970,
c. 254

except that not more than 20 per cent of the book value of its total assets shall at any one time be invested in any one of investments referred to in clauses *a*, *b* and *c*.

Duty to
insure

108.—(1) The Corporation shall insure each deposit with a credit union, except so much of any one deposit as exceeds \$20,000.

How
payable

(2) Where the Corporation is obliged to make payment in respect of any deposit insured by deposit insurance, the Corporation, as soon as possible after the obligation arises, shall, in respect of such deposit, make payment to such person as appears entitled thereto by the records of the credit union with whom the deposit was made, by paying such person an amount in money equal to so much of his money as is insured by the Corporation.

Discharge
of liability

(3) Payment under this section by the Corporation in respect of any deposit insured by deposit insurance discharges the Corporation from all liability in respect of that deposit and in no case is the Corporation under any obligation to see to the proper application in any way of the payment so made.

(4) Where the Corporation makes a payment under this section in respect of any deposit with a credit union, the Corporation is subrogated to the extent of the payment made to all the rights and interest of the depositor as against that credit union. Subrogation

109.—(1) No credit union that is carrying on business in Ontario shall accept deposits or moneys on account of shares after the coming into force of this section unless it is insured by the Corporation from and after that day in accordance with this Act and the by-laws of the Corporation. Insuring credit unions

(2) Where a credit union commences business in Ontario after the day on which this section comes into force, the deposits with the credit union shall be insured by the Corporation in accordance with this Act and the by-laws of the Corporation from and after the day the credit union commences business. Idem

(3) Where a credit union becomes insured with the Corporation, the Corporation shall issue to the credit union a certificate of deposit insurance in the form prescribed by the regulations. Certificate

110.—(1) The deposit insurance of a credit union may be cancelled on not less than thirty days notice to the credit union by the Corporation when, Cancellation of deposit insurance

- (a) the credit union is in breach of the standards of business and financial practices prescribed by the Corporation or any of conditions of a policy of deposit insurance issued to it;
- (b) the credit union ceases to accept deposits or issue shares; or
- (c) an order has been made under section 116 for the Corporation to take possession of the credit union.

(2) When the deposit insurance of a credit union is cancelled by the Corporation, the deposits with the credit union on the day the cancellation takes effect, less any withdrawals from such deposits, continue to be insured for a period of two years or, in the case of a term deposit with a remaining term exceeding two years, to the maturity thereof. Effect of cancellation

(3) Where the deposit insurance of a credit union has been cancelled, the credit union shall notify its depositors of that fact and shall cease to accept deposits from the date of cancellation forward. Notification to depositors

Public
notice

(4) The Corporation may, in such manner as it considers expedient, give public notice of the cancellation of deposit insurance of a credit union if, in the opinion of the Corporation, the public interest requires that such notice be given.

Assessment
from league

111.—(1) The Corporation shall assess and collect during its first year of operation from each league an amount equal to 1 per cent of the aggregate total share capital and deposits of each credit union that is a member of the league at the end of the fiscal year of the league immediately preceding the assessment and the league is entitled to recover an appropriate amount from each of its members.

Assessment
from credit
unions
outside
league

(2) The Corporation shall assess and collect during its first year of operation from every credit union that is not a member of a league an amount equal to 1 per cent of the total share capital and deposits of the credit union at the end of the fiscal year of the credit union immediately preceding the assessment.

Annual
assessment

(3) The Corporation shall in each year thereafter assess and collect from, or refund to, each league and every credit union that is not a member of a league, in each year an amount equal to 1 per cent of the increase or decrease in the total share capital and deposits of the credit union.

Extra-
ordinary
assessment

(4) In addition to amounts collected under subsection 3, the Corporation may assess and collect from every credit union, directly or through a league, such further amount, based on the total amount of the shares and deposits of the credit union as at the end of the fiscal year immediately preceding the assessment, as the Corporation considers necessary to replace any advances or payments made by the Corporation in the exercise of its powers under this Act.

Idem

(5) For the purposes of the assessment referred to in subsection 4, the Corporation shall maintain separate funds for each league and a further fund to encompass the activities of all credit unions that do not belong to a league and each such assessment shall be fixed by the Corporation having regard to the financial position of each fund.

Assessment
of debt

(6) All amounts assessed by the Corporation against a credit union or league for the purposes of this Act shall be deemed to be a debt owing to the Corporation and the amount thereof, together with any interest levied by the Corporation as an overdue charge is recoverable by action in any court of competent jurisdiction.

(7) A credit union shall charge any assessment levied under subsection 4 as an expense, but, notwithstanding subsection 6, a credit union may treat any other assessment levied under this section as an asset, the value whereof shall be adjusted from time to time in accordance with the financial position of the appropriate fund accumulated by the Corporation.

Assessment
to be
treated
as an
expense

(8) Where in any year its earnings have exceeded its expenses, the Corporation may in its discretion declare a dividend to all credit unions participating in that fund of an amount not more than such excess.

Dividends

(9) On the dissolution of a credit union, the Corporation shall repay to it an amount equal to its assessments paid under subsection 1, 2 or 3, adjusted in accordance with the financial position of the appropriate fund, and for this purpose the Corporation's evaluation of the financial position of the fund shall be conclusive.

Replacement
on
dissolution

112. Notwithstanding anything in this Act, the Corporation may remit or defer the collection of any assessment made by the Corporation and upon such terms and conditions as it may direct.

Repayments

113.—(1) The Corporation shall maintain an account for each fund to be known as the accumulated net earnings to which shall be credited all earnings including realized profits on the sale of securities and to which shall be charged all expenses including operating and administrative expenses, costs of examinations and inspections of credit unions, losses and specific provisions for losses and losses on sales of securities.

Accumulated
net earnings

(2) The accumulated net earnings for each fund shall be reported as a separate item in any statement of assets and liabilities of the Corporation and shown as an addition to or a deduction from each fund.

Separate
item in
report

(3) Upon any credit union changing its status with respect to membership in any league, its contribution to the appropriate fund shall be transferred and the liabilities of the respective funds shall be adjusted accordingly, subject to the approval of the Superintendent after such audit of the credit union's affairs as seems necessary to the Superintendent.

Adjustment
of funds

114.—(1) For the purposes of the Corporation, the affairs of each credit union shall be examined by a person provided for under this section at least once in each year, and a copy

Annual
examination
of credit
unions

of such examination shall be forthwith transmitted by the examiner to the Corporation and the Director.

Idem

(2) The annual examination shall be made,

(a) where the credit union is a member of a league, by the league;

(b) where the credit union is not a member of a league, by the Director,

and the cost shall be borne by the Corporation, except that the Corporation may, in place of an examination made under clause *a* or *b*, accept the report of the annual examination of the auditor of the credit union.

Examination
of leagues

(3) The Director shall make an annual examination of each league at the expense of the Corporation, and shall give a copy of his report to the Corporation.

Contents of
examiner's
report

115.—(1) The person examining the affairs of a credit union under section 114 shall include in the report whether or not, in his opinion, there has been any change in the circumstances of the credit union that might materially affect the financial position of the credit union and particularly, without limiting the generality of the foregoing, whether or not, in his opinion,

(a) the assessment return made by the Corporation and in which payment to the Corporation was based are correct;

(b) the operations of the credit union are being conducted in accordance with sound business and financial practices; and

(c) the credit union is in a satisfactory financial condition.

Idem

(2) Each report shall further state whether or not, in the opinion of the examiner under section 114, there has been any contravention of the provisions of this Act and shall be served on the credit union.

Order
taking over
management

116.—(1) Where the Corporation has received a report under sections 114 and 115, that the affairs of a credit union are not in a satisfactory financial condition, and has given the credit union an opportunity to be heard and after such further inquiry and investigation as the Corporation sees fit to make, the Corporation agrees with the report, the Corporation by order, shall itself or by some other person named in

the order, forthwith take possession of the property of such credit union and conduct its business and take such steps as in the Corporation's opinion may be taken toward the removal of the causes and conditions which have made such proceedings necessary, and for such purposes and without limiting the generality of the foregoing,

- (a) the Corporation, or person named in the order, has all the powers of the board of directors of the credit union;
- (b) the Corporation, or person named in the order, has power to exclude from the credit union its officers, directors, servants and agents from the property and business of the credit union; and
- (c) the Corporation, or person named in the order, has power to carry on, manage and conduct the operations of the credit union and in the name of the credit union to preserve, maintain, realize, dispose of and add to the property of the credit union, to amalgamate with another credit union or to sell to another credit union all or part of its assets, subject to section 130 or 131 to receive the incomes and revenues of the credit union and to exercise all the powers of the credit union.

(2) Upon the request of a credit union, the Corporation may with respect to such credit union exercise the powers mentioned in subsection 1. Idem,
upon request

117. If at any time the Corporation considers that the affairs of the credit union have been placed in a satisfactory financial condition, the Corporation may return possession of the property of the credit union to it, and, upon such return, the order and the powers of the Corporation under which the Corporation took possession of the property of the credit union terminate. Termination
of order

118.—(1) A credit union may apply to the Commercial Registration Appeal Tribunal for a review of any order of the Corporation under subsection 1 of section 116 within thirty days after the making of the order and the delivery of a copy thereof to an officer of the credit union. Review
of order

(2) The order of the Corporation takes effect immediately, but the Tribunal may grant a stay until the review is disposed of. Stay

(3) The Tribunal shall fix a time and place for a hearing of the application and shall at least ten days before the day Hearing

fixed cause notice thereof to be served upon the applicant, the Corporation, the Director and any other person appearing to the Tribunal to have an interest in the application.

Parties

(4) Every person upon whom notice of the hearing is served and any other person added by the Tribunal are parties to the proceedings.

Powers of Tribunal

(5) The Tribunal shall hold the hearing and may by order direct the Corporation to take such action as the Tribunal considers proper or to refrain from taking any action specified in the order and thereupon the Corporation shall act accordingly.

Further decision

(6) Notwithstanding the order of the Tribunal, the Corporation has power to make any further reports and orders on new material or where there is a material change in the circumstances, and any such further order is subject to review under this section.

WINDING UP

Interpretation

119. In sections 120 to 128, "contributory" means a person who is liable to contribute to the property of a credit union in the event of the credit union being wound up under this Act.

Voluntary winding up

120.—(1) Where the members of a credit union by a special resolution require the credit union to be wound up, the credit union may be wound up voluntarily.

Appointment of liquidator

(2) At such meeting, the members shall appoint one or more persons, who may be directors, officers or employees of the credit union or a league, as liquidator of the estate and effects of the credit union for the purpose of winding up its affairs and distributing its property, and may at that or any subsequent general meeting fix his remuneration and the costs, charges and expenses of the winding up.

Publication of notice of winding up

(3) A credit union shall file a copy of the resolution requiring the voluntary winding up of the credit union with the Director within ten days after the resolution has been passed and shall publish a notice of the resolution in *The Ontario Gazette* within twenty days after the resolution has been passed and in a newspaper having a general circulation in the locality in which the head office of the credit union is situate.

Vacancy in office of liquidator

(4) Where in a voluntary winding up a vacancy occurs in the office of liquidator by death, resignation or other-

wise, the members by a majority of the votes cast at a general meeting called for that purpose may elect a liquidator to fill the vacancy.

(5) The members of the credit union may by a majority of the votes cast at a general meeting called for that purpose remove a liquidator previously appointed and in such case shall appoint another liquidator in his stead.

Removal
of
liquidator

(6) A voluntary winding up commences at the time of the passing of the resolution requiring the winding up.

Commence-
ment of
winding up

(7) Where a credit union is being wound up voluntarily, the credit union shall, from the date of the commencement of the winding up, cease to carry on its undertaking, except in so far as may be required for the beneficial winding up thereof, and notwithstanding that it may be otherwise provided by its charter or by-laws, its corporate existence and all its corporate powers continue until the affairs of the credit union are wound up.

Credit union
to cease
undertaking

(8) After the commencement of a voluntary winding up, no action or other proceedings shall be commenced against the credit union and no attachment, sequestration, distress or execution shall be put in force against the estate or effects of the credit union except by leave of the court and subject to such terms as the court imposes.

No
proceeding
against credit
union with-
out leave

(9) Upon his appointment, the liquidator shall take custody and control of all property, rights and privileges of the credit union or to which the credit union appears to be entitled and shall take all necessary steps to wind up the credit union.

Liquidator
to take
custody

(10) Within sixty days after his appointment, the liquidator shall prepare a statement of the assets, debts and liabilities of the credit union and shall file the statement with the Director.

Liquidator
to file with
Director

(11) Upon a voluntary winding up, the liquidator,

List of con-
tributories
and calls

(a) shall settle the list of contributories;

(b) may, before he has ascertained the sufficiency of the property of the credit union, call on all or any of the contributories for the time being settled on the list of contributories, to the extent of their liability, to pay any sum that he considers necessary to satisfy the liabilities of the credit union, and the costs, charges and expenses of winding up and for the

adjustment of the rights of the contributories among themselves;

- (c) a list of contributories settled by the liquidator is admissible in evidence as *prima facie* proof of the liability of the persons named therein to be contributories.

Meetings of
credit union
during
winding up

(12) The liquidator may, during the continuance of the voluntary winding up, call general meetings of the members of the credit union for the purpose of obtaining their approval by resolution or for any other purpose as he thinks fit.

Arrange-
ments with
creditors

(13) The liquidator, with the approval of a resolution of the members of the credit union passed in general meeting, may make such compromise or other arrangement as the liquidator thinks expedient with any creditor or person claiming to be a creditor or having or alleging that he has a claim, present or future, certain or contingent, liquidated or unliquidated, against the credit union or whereby the credit union may be rendered liable.

Power to
compromise
with
debtors and
contributors

(14) The liquidator may, with the approval of a resolution of the members of the credit union passed in general meeting, compromise all debts and liabilities capable of resulting in debts and all claims, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or supposed to subsist between the credit union and any contributory, alleged contributory or other debtor or person who may be liable to the credit union and all questions in any way relating to or affecting the property of the credit union, or the winding up of the credit union upon the receipt of such sums payable at such times and generally upon such terms as are agreed, and the liquidator may take any security for the discharge of such debts or liabilities and give a complete discharge in respect thereof.

Account to
be made by
liquidator

(15) The liquidator shall make up an account showing the manner in which the winding up has been conducted and the property of the credit union disposed of, and thereupon shall call a general meeting of the members of the credit union for the purpose of having the account laid before them and hearing any explanation that may be given by the liquidator and with the approval of a majority of the votes within ten days after the holding of the meeting cast at the meeting, the liquidator shall send a notice to the Director stating that the meeting was held, the date thereof and requesting dissolution.

Director to
recommend
dissolution

(16) The Director, upon being satisfied that the affairs of the credit union have been duly liquidated, may in

writing recommend to the Minister that the credit union be dissolved.

(17) The Minister may by order declare the credit union to be dissolved on such date as the order fixes and shall cause notice of any such dissolution of the credit union to be given in *The Ontario Gazette* and to the Director. Dissolution

121.—(1) A credit union may be wound up by order of the court, Winding up by court order

(a) where the members by a majority of the votes cast at a general meeting called for that purpose, pass a resolution authorizing an application to be made to the court to wind up the credit union;

(b) where proceedings have been commenced to wind up the credit union voluntarily and it appears to the court that it is in the interest of contributories and creditors that the proceedings should be continued under the supervision of the court;

(c) where it is proved to the satisfaction of the court that the credit union, though it may be solvent, cannot by reason of its liabilities continue its business and that it is advisable to wind it up; or

(d) where in the opinion of the court it is just and equitable for some reason other than the bankruptcy or insolvency of the credit union that it should be wound up.

(2) A winding up order may be made upon the application of the credit union or a member or, where the credit union is being wound up voluntarily, upon the application of the Director, liquidator or contributory or of a creditor having a claim of \$200 or more. Who may apply

(3) Except where the application is made by the credit union, four days notice of the application shall be given to the credit union. Notice to credit union

(4) Except where the application is made by the Director, four days notice of the application shall be given to the Director. Notice to Director

(5) The court may, Power of court

(a) make the order applied for;

- (b) dismiss the application with or without costs;
- (c) adjourn the hearing conditionally or unconditionally;
- (d) make an interim or other order as it considers appropriate; or
- (e) refer the proceedings for the winding up to an officer of the court for inquiry and report and may authorize the officer to exercise such powers of the court as are necessary for the reference.

Appointment of liquidator (6) The court making the winding up order may appoint one or more persons as liquidator of the estate and effects of the credit union for the purpose of winding up its affairs and distributing its property.

Remuneration (7) The court may at any time fix the remuneration of the liquidator and the costs, charges and expenses of the winding up.

Vacancy (8) Where a liquidator who is appointed by the court dies or resigns or the office becomes vacant for any reason, the court may fill the vacancy.

Removal (9) The court may by order, for cause, remove a liquidator appointed by it and appoint another liquidator in his stead.

Notice of appointment (10) A liquidator appointed by the court shall forthwith give notice to the Director and the Minister of the court order respecting the winding up and shall publish the notice in *The Ontario Gazette*.

Commencement of winding up (11) Where a winding-up order is made by the court without prior voluntary winding-up proceedings, the winding up shall be deemed to commence at the time of the service of the notice of the application upon the Director.

Proceedings in winding up after order (12) Where a winding-up order has been made by the court, proceedings for the winding up of the credit union shall be taken in the same manner and with the like consequences as are provided for a voluntary winding up, except that,

- (a) the list of contributories shall be settled by the court unless it has been settled by the liquidator before the winding-up order; and

- (b) all proceedings in the winding up are subject to the order and direction of the court.

(13) Where the list of contributories has been settled by the liquidator before the winding-up order, it is subject to review by the court. Review by court

(14) Where a winding-up order has been made by the court, the court may direct meetings of the members of the credit union to be called, held and conducted in such manner as the court thinks fit for the purpose of ascertaining their wishes, and may appoint a person to act as chairman of any such meeting and to report the results of it to the court. Meeting of members may be ordered

(15) Where a winding-up order has been made by the court, the court may require any contributory for the time being settled on the list of contributories, or any director, employee, trustee, receiver, banker, agent or officer of the credit union, to pay, deliver, convey, surrender or transfer forthwith, within such time as the court directs, to the liquidator any money, books, papers, registers and other records, estate or effects that are in his hands and to which the credit union is, *prima facie*, entitled. Order for delivery of property

(16) Where a winding-up order is made by the court, the court may make an order for the inspection of the books, papers, registers and other records of the credit union by its creditors and contributories, and any documents and records in the possession of the credit union may be inspected in conformity with the order. Inspection of documents and records

(17) After the commencement of a winding up by order of the court, Proceedings against credit union after order

- (a) no action or other proceedings shall be commenced or continued against the credit union; and
- (b) no attachment, sequestration, distress or execution shall be carried out against the estate or effects of the credit union,

except by leave of the court and subject to such terms as the court may impose.

(18) Where the realization and distribution of the property of a credit union being wound up under an order of the court has proceeded so far that in the opinion of the court it is expedient that the liquidator should be discharged and that the property of the credit union remaining in his hands Provision for discharge of liquidator and distribution by the court

can be better realized and distributed by the court, the court may make an order discharging the liquidator and for payment, delivery and transfer into court, or to such officer or person as the court directs, of such property, and it shall be realized and distributed by or under the direction of the court among the persons entitled thereto in the same way as nearly as may be as if the distribution were being made by the liquidator and the court may make an order directing how the documents and records of the credit union and of the liquidator are to be disposed of, and may order that they be deposited in court or otherwise dealt with as the court considers appropriate.

Order for
dissolution

(19) The court at any time after the affairs of the credit union have been fully wound up may, upon the application of the liquidator or any other person interested, make an order dissolving it, and it is dissolved on the date fixed in the order.

Notice to
Director

(20) The person on whose application the order was made shall, within ten days after it was made, file with the Director a certified copy of the order and the Director shall cause notice of the dissolution to be made in *The Ontario Gazette*.

Dissolution
by the
Minister

122.—(1) The Director, after the credit union has been given an opportunity to be heard by the Director, may recommend to the Minister that an order be made dissolving a credit union if he is satisfied that,

- (a) its incorporation was obtained by fraud or mistake;
- (b) it exists for an illegal purpose;
- (c) the number of its members is reduced to fewer than twenty;
- (d) it is not carrying on business or is not in operation;
or
- (e) it has contravened any of the provisions of this Act or the regulations.

Notice to
credit
union

(2) Where the Director recommends to the Minister that an order be made dissolving a credit union, a copy of his recommendations and the reasons therefor shall be delivered to the credit union.

Submissions
to Minister

(3) The credit union may, within fifteen days after receiving the copy of recommendations and reasons of the Director

under subsection 2, make written submissions to the Minister in respect thereof.

(4) After considering the recommendations of the Director and the submissions, if any, of the credit union, the Minister may, in his discretion, order that the credit union be dissolved and, if necessary, shall appoint a liquidator to carry out the dissolution. Order for dissolution

(5) The liquidator shall proceed to wind up the credit union and subsections 7 to 17 of section 120 apply thereto, except that no approval of the members of the credit union is required thereunder. Liquidation

(6) The Director upon being satisfied that the affairs of the credit union have been duly liquidated shall so report to the Minister. Director to report

(7) The Minister may by order declare that the credit union has been dissolved on such date as the order fixes and shall cause notice of the dissolution to be given in *The Ontario Gazette*. Order declaring dissolution

123.—(1) Notwithstanding the dissolution of a credit union, each of the members among whom its property has been distributed other than the refunds of deposits, remains liable to its creditors to the extent of the amount received by him upon the distribution, and an action in a court of competent jurisdiction to enforce such liability may be brought against him within two years from the date of the dissolution and not thereafter. Liability of members to creditors

(2) Where there are numerous members, the court referred to in subsection 1 may permit an action to be brought against one or more members as representatives of the class and, if the plaintiff establishes his claim as creditor, may make an order of reference and add as parties in the referee's office all such members as are found, and the referee shall determine the amount that each should contribute towards the plaintiff's claim and may direct payment of the sums so determined. Action against one member as representing class

124. Subject to section 123, any real or personal property of a credit union that has not been disposed of at the date of its dissolution is forfeit to the Ontario Share and Deposit Insurance Corporation. Forfeiture of undisposed property

125. Upon a winding up of a credit union, Responsibilities of liquidator

(a) the liquidator shall apply the property of the credit

union in satisfaction of all its debts, obligations and liabilities, and, subject thereto, shall distribute any remaining property rateably among the members according to their rights and interests in the credit union;

- (b) in distributing the property of the credit union, debts due to the employees of the credit union for services performed due at the commencement of the winding up or within one month before, not exceeding three months wages and accumulated sickness benefits or vacation pay accrued for not more than twelve months, shall be paid in priority to the claims of the ordinary creditors, and such persons shall rank as ordinary creditors for any additional amount of their claims for wages;
- (c) all the powers of the board of directors of a credit union being wound up cease upon the appointment of a liquidator except to the extent that the liquidator may permit the continuance of these powers for the purpose of assisting the winding up proceedings.

Distribution
of property
R.S.O. 1970,
c. 470

126. Section 53 of *The Trustee Act* applies *mutatis mutandis* to liquidators.

Payment of
costs and
expenses

127. The costs, charges and expenses of the winding up including the remuneration of the liquidator are payable out of the property of the credit union in priority to all other claims.

Powers of
liquidator

128.—(1) A liquidator may,

- (a) bring or defend any action, suit or prosecution, or other legal proceedings, civil or criminal, in the name and on behalf of the credit union;
- (b) carry on the business of the credit union so far as may be necessary for the beneficial winding up of the credit union;
- (c) sell the real and personal property of the credit union by public auction or private sale;
- (d) borrow money on behalf of the credit union as may be necessary for the winding up of the credit union;
- (e) draw, accept, make and endorse any bill of exchange or promissory note in the name and on behalf of the credit union;

- (f) raise upon the security of the property of the credit union such moneys as may be required;
- (g) take out in his official name, letters of administration of the estate of any deceased contributory and in his official name, do any other act that may be necessary for obtaining payment of any money due from a contributory or from his estate that cannot conveniently be done in the name of the credit union;
- (h) do and perform all acts and other things and execute under the corporate seal or otherwise all documents in the name and on behalf of the credit union as may be necessary for winding up the affairs of the credit union and distributing its property;
- (i) engage the services of a solicitor to assist him in the performance of his duty;
- (j) employ an agent to do any business that the liquidator is unable to do himself;
- (k) claim and, where necessary, prove any claim against the estate of a contributory for any debt or liability to the credit union;
- (l) receive dividends in the distribution of an estate of a contributory in respect of any debt or liability mentioned in clause *k*;
- (m) compromise all calls, and liabilities to call, debts and liabilities capable of or resulting in debts, and all claims, whether present or future, certain or contingent, liquidated or unliquidated, subsisting or alleged as subsisting between the credit union and any other person;
- (n) do and execute all such other things as are necessary for winding up the affairs of the credit union and distributing its property.

(2) The execution, endorsement or making of all agreements, contracts, bills of exchange or other documents by a liquidator on behalf of a credit union has the same effect with respect to the rights and liabilities of the credit union as if the agreements, contracts or bills of exchange or other documents had been executed, endorsed or made by or on behalf of the credit union in the course of carrying on its business.

Bills of
exchange
deemed
drawn in the
course of
business

Where
approval
required

(3) The liquidator shall not exercise power granted under clause *a, d, f, m* or *n* of subsection 1,

(a) in the case of a voluntary winding up, unless he has obtained the approval in writing of the Director; or

(b) in the case of a winding up by order of the court, unless he has obtained the approval of the court.

Notice of
liability of
contributory

(4) The liability of a contributory is a debt accruing due from him at the time when his liability commenced, but payable at the time when calls are made for enforcing the liability.

Who liable
in case of
death

(5) Where a contributory dies before or after he is placed on the list of contributories, his personal representative, in administering the estate of the contributory, is liable to contribute to the property of the credit union in discharge of the liability of the deceased contributory and shall be a contributory accordingly.

Examin-
ation of
persons as
to estate

(6) The court may, at any time after the commencement of the winding up, summon to appear before the court or liquidator, any director, manager, employee or officer of the credit union, or any other person known or suspected to have in his possession any of the estate or effects of the credit union, or alleged to be indebted to the credit union, or any person whom the court thinks capable of giving information concerning the dealings, estate or effects of the credit union.

Damages
against
delinquent
directors, etc.

(7) Where, in the course of the winding up of a credit union, it appears that a person who has taken part in the formation or promotion of the credit union or any past or present director, manager, officer, employee, liquidator or receiver of the credit union has misapplied or retained in his own hands, or become liable or accountable for money of the credit union, or has committed any misfeasance or breach of trust in relation to the credit union, the court may, on the application of a creditor, member, director, liquidator, or contributory, inquire into the conduct of that person and order him to restore the money so misapplied or retained, or for which he has become liable or accountable together with interest at such rate as the court considers just or to contribute such sum to the property of the credit union by way of compensation in respect of the misapplication, retention, misfeasance or breach of trust as the court considers just.

(8) Where a credit union has been wound up under this Act and is about to be dissolved, the books, registers and other records and papers of the credit union and of the liquidator may be disposed of in such manner as the Director may order, in the case of voluntary winding up, or as the court may order in the case of winding up under court order.

Disposal
of records

(9) The Lieutenant Governor in Council may make regulations respecting the procedure to be followed in a winding up, and, unless otherwise provided by this Act or by those regulations, the practice and procedure in a winding up under the *Winding-up Act* (Canada) apply.

Regulations

R.S.C. 1970,
c. W-10

129. Where proceedings are taken under the *Winding-up Act* (Canada) in respect of a credit union, the secretary of the credit union shall send notice thereof to the Director by registered mail.

Notice of
winding-up
proceedings

AMALGAMATIONS

130.—(1) Any two or more credit unions may amalgamate and continue as one credit union.

Amalga-
mation of
credit
unions

(2) The credit unions proposing to amalgamate shall enter into an agreement for the amalgamation prescribing the terms and conditions of the amalgamation, the mode of carrying the amalgamation into effect, and, in particular, the agreement shall set out,

Amalga-
mation
agreement

- (a) the name of the amalgamated credit union;
- (b) the limitation on membership in the amalgamated credit union;
- (c) the name in full, callings and places of residence of the first directors of the amalgamated credit union;
- (d) the time and manner of election of subsequent directors of the amalgamated credit union;
- (e) the par value of each share of the amalgamated credit union;
- (f) the manner of converting the share capital of each of the amalgamating credit unions into that of the amalgamated credit union;
- (g) such other details as are necessary to perfect the

amalgamation and to provide for the subsequent management and operation of the amalgamated credit union.

Filing of
agreement

(3) Within one month after the agreement is signed, the parties shall file with the Director, in triplicate, true copies of the amalgamation agreement.

Submission
to members
of credit
unions

(4) The agreement is subject to the approval of the Director, and to adoption by a vote of two-thirds of the votes cast at a meeting of each of the amalgamating credit unions called for the purpose of considering the agreement within one month after the approval of the Director is given and, when so adopted, the fact shall be certified upon the agreement by the secretary of each of the amalgamating credit unions under the corporate seal.

Application
for certi-
ficate of
amalgama-
tion

(5) If the agreement is adopted in accordance with subsection 3, the amalgamating credit unions may apply jointly to the Minister for a certificate of amalgamation.

Certificate
of amalga-
mation

(6) The Minister may, in his discretion, issue a certificate of amalgamation, and on and after the date of the certificate such amalgamating credit unions are amalgamated and are continued as one credit union under the name set forth in the certificate, and the amalgamated credit union possesses all the property, rights, privileges and franchises and is subject to all the liabilities, contracts, disabilities and debts of each of the amalgamating credit unions.

Notice

(7) The Minister shall cause notice of the issue of the certificate of amalgamation to be given in *The Ontario Gazette* and to the Director.

Sale and
purchase
of assets

131.—(1) A credit union may sell all or any part of its assets to another credit union or it may purchase all or any part of the assets of another credit union in accordance with this section.

Agreement

(2) The agreement of purchase and sale is subject to the approval of the Director.

Purchase
price

(3) The purchasing credit union may assume, as part of the purchase price, any or all of the liabilities of the selling credit union and may pay the balance in cash or by the issue of shares or promissory notes to the selling credit union or the members thereof whether or not such members are members of the purchasing credit union.

Approval
by members

(4) The agreement as approved by the Director is subject

to the approval of the members of each of the credit unions by at least a two-thirds vote of the members present at each meeting, and the secretary of each credit union shall certify on the agreement that it has been so approved and shall forward a copy of the agreement so certified to the Director.

(5) Upon the approval of the members of each of the credit unions, the agreement is binding on each of the credit unions and the sale shall thereafter be completed as of the effective date specified in the agreement. Effect of approval

(6) In the event the agreement does not specify an effective date, the Director may fix a date upon which it will become effective. Effective date

(7) If the selling credit union has disposed of all its assets under the agreement, it shall cease to carry on business on the effective date of the agreement, except for the purpose of winding up its affairs, and it shall dissolve as soon as possible thereafter. Where all assets disposed of

(8) If the total assets of the selling credit union are less than 15 per cent of the total assets of the purchasing credit union, the membership of the purchasing credit union shall be deemed to have given approval to the transaction. Where approval deemed given

REORGANIZATION

Amendment of Articles

132.—(1) Subject to sections 133 and 134, a credit union may, from time to time, amend its articles of incorporation to, Amendments

(a) limit or otherwise vary its powers;

(b) change its name;

(c) provide for any other matter that is authorized by this Act to be set out in the articles or that could be subject to a by-law of the credit union.

(2) An amendment under subsection 1 shall be authorized by special resolution and such further authorization as the by-laws provide. Authorization

133. The credit union shall deliver to the Minister, within six months after the special resolution has been confirmed by the members, articles of amendment in duplicate, executed under the seal of the credit union and signed by two officers, or by one director and one officer, of the credit union and verified by affidavit of one of the officers or directors signing the articles of amendment, setting out, Articles of amendment

- (a) the name of the credit union;
- (b) a certified copy of the special resolution;
- (c) that the amendment has been duly confirmed and authorized as required by section 132; and
- (d) the date of the confirmation of the special resolution by the members.

Certificate
of amend-
ment

134.—(1) If the articles of amendment conform to law, the Minister shall, when all prescribed fees have been paid,

- (a) endorse on each duplicate of the articles of amendment the word "Filed" and the day, month and year of the filing thereof;
- (b) file one of the duplicates in his office; and
- (c) issue to the corporation or its agent a certificate of amendment to which he shall affix the other duplicate.

Effect of
certificate

(2) The amendment becomes effective upon the date set forth in the certificate of amendment and the articles of incorporation are amended accordingly.

Restatement of Articles

Restate-
ment of
articles

135.—(1) Subject to subsections 2 and 3, a credit union may at any time restate its articles of incorporation as theretofore amended.

Filing of
restate-
ment

(2) The credit union shall deliver to the Minister the restated articles in duplicate, executed under the seal of the credit union and signed by two officers, or by one director and one officer, of the credit union and verified by affidavit of one of the officers or directors signing the restated articles, setting out,

- (a) all the provisions that are then set out in the original articles of incorporation as theretofore amended; and
- (b) a statement that the restated articles correctly set out without change the corresponding provisions of the original articles as theretofore amended.

Certificate
of restate-
ment

(3) If the restated articles of incorporation conform to law, the Minister shall, when all prescribed fees have been paid,

- (a) endorse on each duplicate of the restated articles the word "Filed" and the day, month and year of the filing thereof;
 - (b) file one of the duplicates in his office; and
 - (c) issue to the credit union or its agent a restated certificate of incorporation to which he shall affix the other duplicate.
- (4) The restated articles of incorporation become effective upon the date set forth in the restated certificate and supersede the original articles of incorporation and all amendments thereto. Effect of certificate

RETURNS AND INSPECTIONS

- 136.**—(1) A credit union shall, not later than four months after the end of its fiscal year, deliver to the Director, in the form prescribed by the regulations, a statement of operations, a balance sheet and the auditor's report, if any, and the statements shall also contain such other information as to compliance with this Act and the regulations as the Director requires. Annual statements
- (2) A credit union shall furnish the Director with such statements with respect to its business, finances and other affairs and with such other information as he requires and the board of directors, officers and employees shall cause their books and records to be open for inspection and otherwise facilitate any examination. Information for Director
- (3) The statement and other information required shall be certified by the supervisory committee and the president and by the treasurer or manager. Verification
- 137.** When the Director is required or authorized by this Act to make an examination, inspection or investigation, he may appoint in writing a duly qualified member of his staff to make such examination, inspection or investigation on his behalf. Inspection by appointee of Director

- 138.**—(1) The Director or any person authorized in writing by the Director shall review the annual statements received by him and he shall be given such additional information as he requires by both the Ontario Share and Deposit Insurance Corporation and the credit union and he may visit the head office of each credit union and he may inspect and examine into the conditions and affairs of any Examination

credit union and shall be given access to all books, records and other documents and may make such inquiries as are necessary to ascertain its condition and ability to provide for the payment of its liabilities as they become due, and whether or not it has complied with this Act.

Report to
Corporation

(2) Where the Director considers it necessary and believes on reasonable and probable grounds that a credit union is unable to provide for the payment of its liabilities as they become due he shall immediately report thereon in writing to the Ontario Share and Deposit Insurance Corporation.

Further
examination

(3) Where the Director believes on reasonable and probable grounds that a credit union has failed to comply with the provisions of this Act or the regulations and it is expedient to make a further examination into the affairs of a credit union, the Director may, in his discretion, visit or cause a member of his staff to visit any office of the credit union to inspect and examine into its affairs and to make such further inquiries as the Director may require.

Material to
be furnished
on inspection

(4) For the purpose of the examination referred to in subsection 5, the credit union shall prepare and submit to the Director such statements with respect to its business, finances or other affairs, in addition to the statement mentioned in section 136, as the Director may require, and the board of directors, officers, agents and servants of the credit union shall cause its books to be open for inspection and shall otherwise facilitate such examination.

Examination
under oath

1971, c. 49

(5) Upon such inspection or examination, the Director, or any person authorized by him, has the powers of a Commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inquiry as if it were an inquiry under that Act.

Prohibition
against
accepting
deposits

139.—(1) Where it appears to the Director from an examination of the condition and affairs of a credit union that the assets are shown on the statement mentioned in section 136 at an amount greater than the true value, he may require the credit union to set aside out of earnings such additional reserves as he considers necessary, and, where in his opinion the value of the assets of the credit union is less than its liabilities, including the deposits and share accounts of its members, the Director may prohibit the credit union from taking further deposits or payments to its members, or may limit such payments for such period as he considers necessary to protect the interests of the members,

and he may take such other action as he considers necessary for the protection or in the interest of the members, including the calling of meetings of members and having his representative attend the meeting for the purpose of explaining the situation to the members.

(2) The Director may order a credit union to discontinue doing business for such time as he determines if, after an inspection thereof, he is satisfied that the continuance in business of the credit union is not in the members interest and shall report forthwith to the Ontario Share and Deposit Insurance Corporation the order made and the reasons therefor.

Suspension
of business

EXTRA-PROVINCIAL CREDIT UNIONS

140.—(1) Where the Government of Ontario has entered into an agreement providing for reciprocal rights for credit unions with the government of a province or territory of Canada, a credit union incorporated under the laws of that province or territory may register under this Act for such purposes as are specified in the agreement.

Extra-prov-
incial credit
unions

(2) The Director shall maintain a register called the "Extra-Provincial Credit Unions Register" wherein shall be recorded the names of the credit unions registered and the limited purposes to which they are subject in Ontario.

Register

(3) No credit union that is an extra-provincial corporation within the meaning of *The Corporations Act* shall be licensed under that Act as an extra-provincial corporation unless it has been first registered under this Act by the Director.

Condition
precedent
to licence
under R.S.O.
1970, c. 89

OFFENCES

141.—(1) Every person who,

Offences
re records
and
inspections

- (a) refuses or neglects to make an entry in any record required by this Act, the regulations or the by-laws to be kept;
- (b) refuses to produce any document or record of a credit union for the purpose of any inspection, examination or investigation authorized by this Act, the regulations or the by-laws;
- (c) obstructs any person authorized by this Act, the regulations or the by-laws to inspect, examine or investigate the affairs of the credit union,

is guilty of an offence and is liable on summary conviction to a fine of not more than \$2,000.

Officers of
corporations

(2) Where a corporation is guilty of an offence referred to in subsection 1, every director or officer thereof who authorized, permitted or acquiesced in the offence is also guilty of the offence and on summary conviction is liable to a fine of not more than \$2,000.

Offence,
false
statements

142.—(1) Every person who makes or assists in making a statement in any document required by or for the purposes of this Act or the regulations or the by-laws of a credit union that, at the time and in the light of the circumstances under which it was made, is false or misleading in respect of any material fact or that omits to state any material fact the omission of which makes the statement false or misleading is guilty of an offence.

Defence

(2) No person is guilty of an offence under subsection 1 if he did not know that the statement was false or misleading and in the exercise of reasonable diligence could not have known that the statement was false or misleading.

Failure to
file annual
return

143.—(1) A credit union that is in default of filing the annual statement required by section 136 is guilty of an offence and upon summary conviction is liable to a fine of not more than \$50 for each day such default continues.

Failure to
pay Cor-
poration

(2) A credit union that is in default of payment of any assessment made on it by the Ontario Share and Deposit Insurance Corporation is guilty of an offence and upon summary conviction is liable to a fine of not more than \$50 for each day such default continues.

General
penalty

144.—(1) Every person who is guilty of an offence under this Act for which no penalty is otherwise provided is liable on summary conviction to a fine of not more than \$2,000 or, if such person is a corporation, to a fine of not more than \$10,000.

Officers of
corporations

(2) Where a corporation is guilty of an offence referred to in subsection 1, every director or officer thereof who authorized, permitted or acquiesced in the offence is also guilty of the offence and on summary conviction is liable to a fine of not more than \$2,000.

REGULATIONS

Regulations

145. The Lieutenant Governor in Council may make regulations,

- (a) prescribing the procedure and forms to be used under this Act;
- (b) requiring and prescribing the fees payable for incorporation of credit unions and credit union leagues, for amalgamation of credit unions, for changing the name of credit unions, upon filing any articles of incorporation, return or other document required or permitted to be filed under this Act, for searches, and for certified copies of certificates of incorporation and other documents;
- (c) respecting the holding of first meetings, the notice calling the meeting, the quorum, and the business to be transacted;
- (d) prescribing matters to be shown in financial statements under clause *a* of subsection 2 of section 71;
- (e) governing the operations and powers of branches of credit unions;
- (f) governing credit unions and leagues of credit unions;
- (g) prescribing any matter required by this Act to be prescribed by the regulations.

MISCELLANEOUS

146.—(1) The letters patent, supplementary letters patent or memorandum of association of any credit union to which this Act applies continue and shall be deemed to be amended in accordance with the provisions of this Act on the day that it comes into force and any additions or amendments to or deletions from any provision in the memorandum of association, letters patent or supplementary letters patent of a credit union shall be made in accordance with this Act.

Transitional
continuance,
of letters
patent, etc.

(2) Any investment made by a credit union prior to the date of the coming into force of this Act that, but for this Act, would have been an authorized investment may be disposed of prior to maturity or held to maturity and any realized gains or losses may be brought through income accounts over the period to maturity.

147. The following are repealed:

Repeals

1. *The Credit Unions Act*, being chapter 96 of the Revised Statutes of Ontario, 1970.

2. *The Credit Unions Amendment Act, 1972*, being chapter 172.
3. *The Credit Unions Amendment Act, 1974*, being chapter 39.
4. Paragraph 10 of the Schedule to *The Age of Majority and Accountability Act, 1971*, being chapter 98.
5. Section 38 of *The Government Reorganization Act, 1972*, being chapter 1.

Commence-
ment

148. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

149. This Act may be cited as *The Credit Unions and Caisses Populaires Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

December 7, 76

ASSEMBLY PROROGUED

December 16, 1976

Robert G. Lewis
CLERK
LEGISLATIVE ASSEMBLY

The Credit Unions and Caisses
Populaires Act, 1976

1st Reading

June 3rd, 1976

2nd Reading

October 26th, 1976

3rd Reading

December 3rd, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

S. B. Handleman
BILL 98

1 amend. in Reg. by S. B. Handleman

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Travel Industry Act, 1974

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Travel Industry Act, 1974

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 13 of *The Travel Industry Act, 1974*, being chapter 115, s. 13, amended is amended by adding thereto the following subsection:

(2) Subsection 1 does not apply where,

Application
of sub-
section 1

- (a) the travel agent or travel wholesaler has properly disbursed the money received;
- (b) the travel agent or travel wholesaler has acted in good faith and at arm's length with any person with whom he would, but for this subsection, be jointly liable under subsection 1;
- (c) the person referred to in subsection 1 who is entitled to repayment of money is entitled to be reimbursed therefor out of the compensation fund established under the regulations,

unless the travel agent or travel wholesaler would, but for this subsection, be jointly liable under subsection 1 with a travel agent and travel wholesaler who is not registered under this Act.

2. The said Act is amended by adding thereto the following s. 21a, enacted section:

21a.—(1) Where,

Order to
refrain from
dealing with
assets

- (a) an investigation of any person has been ordered under section 20; or
- (b) criminal proceedings or proceedings in relation to a contravention of any Act or regulation are about

to be or have been instituted against a person that are connected with or arise out of the business in respect of which registration is required under this Act,

the Director, if he believes it advisable for the protection of customers of the person referred to in clause *a* or *b*, may, in writing or by telegram, direct any person having on deposit or under control or for safekeeping any assets or trust funds or direct the person referred to in clause *a* or *b* to hold such assets or trust funds or direct the person referred to in clause *a* or *b* to refrain from withdrawing any such assets or trust funds from any person having any of them on deposit or under control or for safekeeping or to hold such assets or any trust funds of investors, customers or others in his possession or control in trust for any interim receiver or liquidator appointed under the *Bankruptcy Act* (Canada), *The Judicature Act*, *The Corporations Act*, *The Business Corporations Act*, or the *Winding-up Act* (Canada), or until the Director revokes or the Tribunal cancels such direction or consents to the release of any particular assets or trust funds from the direction but, in the case of a bank, loan or trust company, the direction only applies to the office, branches or agencies thereof named in the direction.

R.S.C. 1970,
cc. B-4, W-11
R.S.O. 1970,
cc. 228, 89, 53

Bond in
lieu

(2) Subsection 1 does not apply where the person referred to in clause *a* or *b* of subsection 1 files with the Director,

- (a) a personal bond accompanied by collateral security;
- (b) a bond of a guarantee company approved under *The Guarantee Companies Securities Act*; or
- (c) a bond of a guarantor, other than a guarantee company, accompanied by collateral security,

R.S.O. 1970,
c. 196

in such form, terms and amount as the Director may determine.

Application
for
direction

(3) Any person in receipt of a direction given under subsection 1, if in doubt as to the application of the direction to any assets or trust funds, or in case of a claim being made thereto by a person not named in the direction, may apply to a judge or local judge of the Supreme Court who may direct the disposition of such assets or trust funds and may make such order as to costs as seems just.

Notice to
registrar of
deeds, etc.

(4) In any of the circumstances mentioned in clause *a* or *b* of subsection 1, the Director may in writing or by telegram notify any registrar of deeds or master of titles

that proceedings are being or are about to be taken that may affect land belonging to the person referred to in the notice, and the notice shall be registered against the lands mentioned therein and has the same effect as the registration of a certificate of *lis pendens* except that the Director may in writing revoke or modify the notice.

(5) Any person referred to in clause *a* or *b* of subsection 1 in respect of whom a direction has been given by the Director under subsection 1 or any person having an interest in land in respect of which a notice has been registered under subsection 4 may, at any time, apply to the Tribunal for cancellation in whole or in part of the direction or registration and the Tribunal shall dispose of the application after a hearing and may, if it finds that such a direction or registration is not required in whole or in part for the protection of customers of the applicant or of other persons interested in the land or that the interests of other persons are unduly prejudiced thereby, cancel the direction or registration in whole or in part, and the applicant, the Director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal.

Cancellation
of direction
or regis-
tration

3. O. Reg. 491/76 shall be deemed to be valid for all purposes notwithstanding that it or any part of it would, but for this section, be invalid. O. Reg. 491/76
validated
4. This Act comes into force on the day it receives Royal Assent. Commence-
ment
5. This Act may be cited as *The Travel Industry Amendment Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR June 22 19 76

ASSEMBLY PROROGUED December 16 19 76

Roderio Lewis
CLERK
LEGISLATIVE ASSEMBLY

and which is a rather rare specimen of the genus. It is a very small plant, only about 10 cm. high, and is very much branched. The leaves are small, narrow, and pointed. The flowers are small, white, and are arranged in a terminal panicle. The fruit is a small, round, green berry.

The plant is very common in the mountains of the Himalayas, and is also found in the mountains of the Alps. It is a very hardy plant, and is able to withstand very low temperatures. It is also very drought-tolerant, and is able to survive in very dry conditions. The plant is a very important part of the local economy, and is used for a variety of purposes.

The plant is a very important part of the local economy, and is used for a variety of purposes. It is used as a source of food, and is also used for medicinal purposes. The plant is also used for the production of a variety of handicrafts, and is a very important part of the local culture.

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An Act to amend
The Travel Industry Act, 1974

1st Reading

June 3rd, 1976

2nd Reading

June 14th, 1976

3rd Reading

June 18th, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

S
Pauline
BILL 99

By: H. G. H. H.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Corporations Tax Act, 1972

THE HON. A. K. MEEN
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL 99

1976

**An Act to amend
The Corporations Tax Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 106a of *The Corporations Tax Act, 1972*, being chapter 143, as re-enacted by the Statutes of Ontario, 1976, chapter 32, section 11, is amended by striking out "\$100,000" in the fifth line and inserting in lieu thereof "\$150,000". s. 106a (2),
amended
2. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor, and, when in force, applies to corporations in respect of all fiscal years ending after the 6th day of April, 1976. Commence-
ment
3. This Act may be cited as *The Corporations Tax Amendment Act, 1976 (No. 2)*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec. 7 1976

ASSEMBLY PROROGUED

December 16 1976

R. G. Lewis

CLERK

LEGISLATIVE ASSEMBLY

An Act to amend
The Corporations Tax Act, 1972

1st Reading

June 3rd, 1976

2nd Reading

November 2nd, 1976

3rd Reading

November 2nd, 1976

THE HON. A. K. MEEN
Minister of Revenue

h
BILL 100

1 act. in Cap. by S. H. H.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Municipal Conflict of Interest Act, 1972**

THE HON. R. MCMURTRY
Attorney General

TORONTO

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Volume 100, Part 1, 1970
No. 1, 1970

THE PHYSIOLOGY OF THE
HUMAN NERVOUS SYSTEM

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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BILL 100 **1976**

**An Act to amend
The Municipal Conflict of Interest Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 4 of section 1 of *The Municipal Conflict of Interest Act, 1972*, being chapter 142, is repealed and the following substituted therefor: s. 1 (4),
re-enacted

(4) A member of a council or of a local board does not ^{Idem} have an indirect pecuniary interest by reason only of his being a director or senior officer of a corporation incorporated for the purpose of carrying on business for and on behalf of the municipality or local board or by reason of his being a member of a board, commission or other body as an appointee of a council or local board.

- (2) The said section 1 is amended by adding thereto the following subsections: s. 1,
amended

(5a) Where, in the circumstances mentioned in subsection 5, the remaining number of members of council who do not have an indirect pecuniary interest is less than two, the council may apply to a judge for an order authorizing the council to give consideration to, discuss and vote on the contract, proposed contract or other matter out of which the indirect pecuniary interest arises. Application
to
judge

(5b) The judge may, on an application brought under subsection 5a, by order, declare that this Act does not apply to the council in respect of the contract, proposed contract or other matter in relation to which the application is brought, and the council thereupon may give consideration to, discuss and vote on the contract, proposed contract or other matter in the same manner as though none of the members of council had any indirect pecuniary interest therein. Power of
judge to
declare Act
not to apply

s. 5 (2),
re-enacted

2. Subsection 2 of section 5 of the said Act is repealed and the following substituted therefor:

Saving

(2) Where the judge determines that a member of council or of a local board has contravened subsection 1 or 2 of section 2, if the judge finds that the contravention was committed through inadvertance or by reason of a *bona fide* error in judgment or that the interest of the member is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member, the member is not subject to having his seat declared vacant or to being disqualified as a member, as provided by subsection 1.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

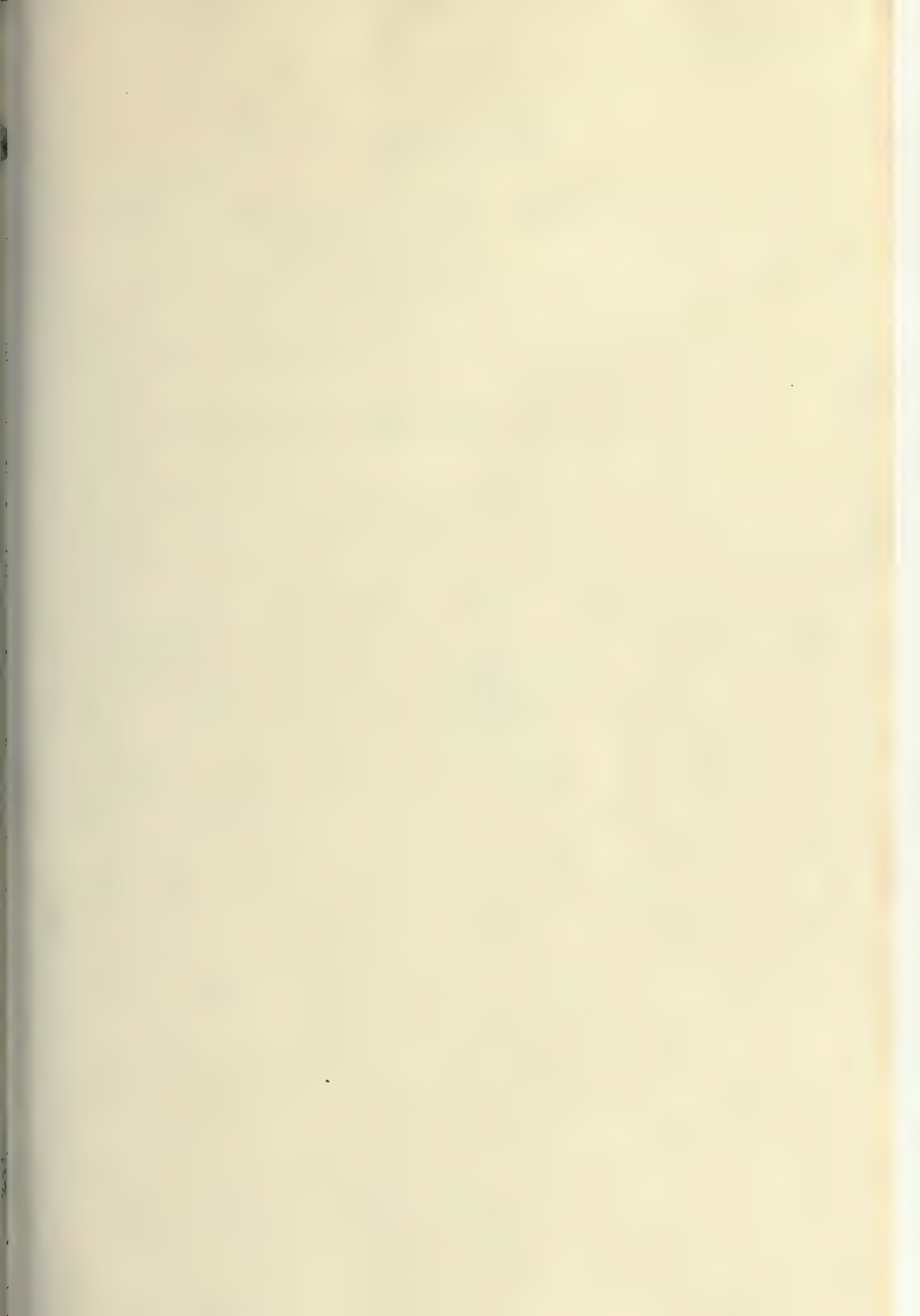
Short title

4. This Act may be cited as *The Municipal Conflict of Interest Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR June 22 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY



THE [illegible] OF THE [illegible] IN THE [illegible] OF THE [illegible]

[illegible text block]

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Bill 100

An Act to amend
The Municipal Conflict of
Interest Act, 1972

1st Reading

June 7th, 1976

2nd Reading

June 14th, 1976

3rd Reading

June 21st, 1976

THE HON. R. McMURTRY
Attorney General

S. ...
BILL 101

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The District Municipality of Muskoka Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

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THE UNIVERSITY OF CHICAGO
CHICAGO, ILL.

THE UNIVERSITY OF CHICAGO
CHICAGO, ILL.

THE UNIVERSITY OF CHICAGO
CHICAGO, ILL.

An Act to amend The District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 11 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, is amended by striking out "thirty" in the fourth line and inserting in lieu thereof "sixty". s. 11 (4),
amended
2. Subsection 3 of section 24 of the said Act is amended by striking out "as an auditor" in the eighth and ninth lines and inserting in lieu thereof "for services within his professional capacity". s. 24 (3),
amended
- 3.—(1) Subsection 1 of section 56 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 52, section 4, is further amended by striking out "before it is submitted for approval under *The Highway Traffic Act*" in the fifth and sixth lines. s. 56 (1),
amended
 - (2) The said section 56 is amended by adding thereto the following subsections:
 - (1a) A by-law submitted for approval of the District Council in compliance with subsection 1 may be approved in whole or in part and, where part only of a by-law is approved, that part only shall become operative. District Council
may approve
by-law in
whole or in
part
 - (1b) The District Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. Withdrawal
of
approval
4. Section 87 of the said Act is repealed and the following substituted therefor: s. 87,
re-enacted

Liaison
Committee

87. The District Council shall establish a committee of seven persons consisting of the chairman and one representative from the council of each area municipality to be known as the Muskoka District Police Liaison Committee which shall meet at least once every three months with the representatives of the Ontario Provincial Police to discuss police matters within the District Area.

s. 101 (1) (b),
re-enacted

5. Clause *b* of subsection 1 of section 101 of the said Act is repealed and the following substituted therefor:

(b) "urban service" means,

(i) land drainage,

(ii) the collection and removal of ashes or garbage or other refuse, or

(iii) street lighting.

s. 104 (4, 5),
re-enacted

6. Subsections 4 and 5 of section 104 of the said Act are repealed and the following substituted therefor:

Purpose
of
fund

(4) The moneys in the fund established under subsection 3 may be used only to defray the costs of the District Council in exercising its powers under Part III-A and for pollution control measures undertaken in the District Area, which measures are in addition to the normal pollution control measures being undertaken by the Muskoka-Parry Sound Health Unit.

Payment out
of fund for
waste dis-
posal site

(4a) Notwithstanding subsection 4, the District Council may pay out of the fund established under subsection 3 such sum as it considers desirable to an area municipality to defray in whole or in part the expenses of such area municipality in acquiring, establishing and maintaining a site for the purpose of receiving, dumping and disposal of ashes, garbage, refuse and domestic or industrial waste.

Cost of
District
Council under
Part III-A

(5) None of the costs of the District Council in exercising its powers under Part III-A shall form part of the levy under section 92 except as provided in subsection 4.

s. 105,
repealed

7. Section 105 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 119, section 9, is repealed.

s. 110a,
enacted

8. The said Act is amended by adding thereto the following section:

Temporary
borrowing
R.S.O. 1970,
c. 332

110a.—(1) Where the District Corporation has entered into an agreement under *The Ontario Water Resources Act* whereby the District Corporation is entitled to receive moneys from the Crown, the District Council pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a

bank or a person for temporary advances from time to time.

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the District Corporation under *The Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the District Corporation has received the moneys to which it is entitled from the Crown under the said agreement such moneys shall be applied first in repayment of the advances.

Application
of
proceeds
R.S.O. 1970,
c. 332

9.—(1) Subsection 9 of section 111 of the said Act is amended by striking out "at one time and" in the first line.

s. 111 (9),
amended

(2) Subsection 30 of the said section 111 is amended by adding thereto the following clauses:

s. 111 (30),
amended

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council.

(3) The said section 111, as amended by the Statutes of Ontario, 1972, chapter 52, section 10, is further amended by adding thereto the following subsections:

s. 111,
amended

(42) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Term
debentures

(43) In respect of the term debentures, the by-law shall provide for raising,

Amounts to
be raised
annually

(a) in each year of the currency of the term debentures, a sum sufficient to pay the interest on the term debentures; and

(b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(44) The retirement fund for the term debentures shall be administered by the sinking fund committee in all

Retirement
fund
administra-
tion

respects in the same manner as a sinking fund established under this section, and the provisions of subsections 21 to 41 of this section with respect to a sinking fund shall apply *mutatis mutandis* to such retirement fund.

All
debentures
to rank
equally

(45) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the District Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures.

s. 111a,
enacted

10. The said Act is further amended by adding thereto the following section:

Debentures
payable on
a fixed date
subject to
annual
redemption
by lot of a
specified
principal
amount

111a. Notwithstanding any other provision of this Act,

Interest
ceases to
accrue on
date set for
redemption

(a) a money by-law of the District Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the District Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the District Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

(b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the District Corporation for the payment of the principal amount thereof;

Debentures
to be
redeemed
may be
purchased

(c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the District Corporation at a public meeting of the District Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the District Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book; Notice to redeem to be sent by mail
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide; Notice to redeem to be published
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the District Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and Where only portion of debentures payable on fixed date
- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. Annual amounts payable to be approximately equal

11. Section 119 of the said Act is amended by adding thereto the following subsections: s. 119, amended

(4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. Registration of debenture as to principal and interest

(5) Where debentures are payable in a currency other than that of Canada, the District Council may provide that the Debenture Registry Book of the District Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the District Council considers appropriate. Where Debenture Registry Book may be maintained outside Canada

12. Subsection 1 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 119, section 10, is repealed and the following substituted therefor: s. 130 (1), re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248a, 249 and 254, subsection 3 of section 308 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The* Application of R.S.O. 1970, c. 284

Municipal Act apply *mutatis mutandis* to the District Corporation, and for the purposes of section 394 of *The Municipal Act* the District Corporation shall be deemed to be a local municipality.

s. 132,
re-enacted

- 13.** Section 132 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 119, section 11, is repealed and the following substituted therefor:

Expenditures
for diffusing
information

132. The District Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the district municipality as an industrial, business, educational, residential or vacation centre.

s. 133,
repealed

- 14.** Section 133 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 119, section 12, is repealed.

Commence-
ment

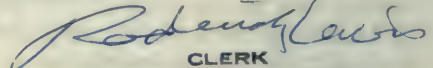
- 15.** This Act comes into force on the day it receives Royal Assent.

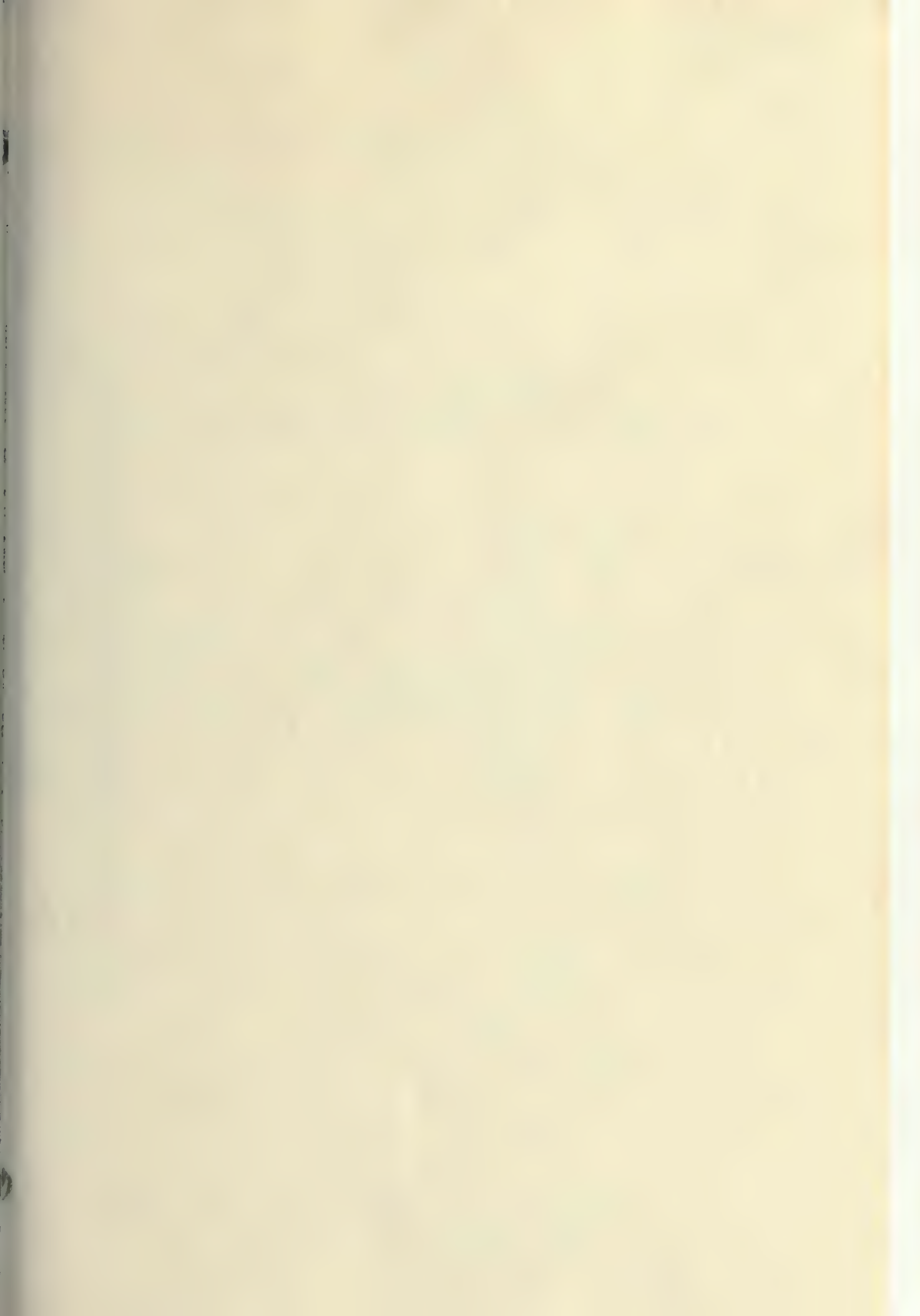
Short title

- 16.** This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR June 22 1976

ASSEMBLY PROROGUED December 16 1976


CLERK
LEGISLATIVE ASSEMBLY



THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSIONER OF THE GENERAL LAND OFFICE
FOR THE YEAR 1894

CHICAGO
PUBLISHED BY THE UNIVERSITY OF CHICAGO PRESS
1895

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PUBLISHED BY THE UNIVERSITY OF CHICAGO PRESS
1895

An Act to amend
The District Municipality of
Muskoka Act

1st Reading

June 8th, 1976

2nd Reading

June 14th, 1976

3rd Reading

June 21st, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of
Economics and Intergovernmental
Affairs

Pauline By. By. Gibbon
BILL 102

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to repeal
The Municipal Subsidies Adjustment Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

The following is a list of the names of the persons who have been elected to the office of the President of the United States since the year 1789.

Year	President
1789	George Washington
1797	John Adams
1801	Thomas Jefferson
1809	James Madison
1817	James Monroe
1823	James Monroe
1829	Andrew Jackson
1837	Martin Van Buren
1841	John Tyler
1845	James Polk
1849	Zachary Taylor
1853	Franklin Pierce
1857	James Buchanan
1861	Abraham Lincoln
1865	Abraham Lincoln
1869	Ulysses S. Grant
1873	Ulysses S. Grant
1877	Rutherford B. Hayes
1881	Rutherford B. Hayes
1885	James A. Garfield
1889	Benjamin Harrison
1893	Benjamin Harrison
1897	William McKinley
1901	William McKinley
1905	Theodore Roosevelt
1909	William Howard Taft
1913	Woodrow Wilson
1917	Woodrow Wilson
1921	Warren G. Harding
1923	Calvin Coolidge
1925	Calvin Coolidge
1929	Herbert Hoover
1933	Franklin D. Roosevelt
1937	Franklin D. Roosevelt
1941	Franklin D. Roosevelt
1945	Franklin D. Roosevelt
1949	Dwight D. Eisenhower
1953	Dwight D. Eisenhower
1957	Dwight D. Eisenhower
1961	John F. Kennedy
1965	Lyndon B. Johnson
1969	Richard M. Nixon
1973	Richard M. Nixon
1977	Gerald R. Ford
1981	Ronald Reagan
1985	Ronald Reagan
1989	George H. W. Bush
1993	Bill Clinton
1997	Bill Clinton
2001	George W. Bush
2005	George W. Bush
2009	Barack Obama
2013	Barack Obama
2017	Donald Trump

BILL 102

1976

An Act to repeal The Municipal Subsidies Adjustment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) *The Municipal Subsidies Adjustment Act*, being chapter 291 of the Revised Statutes of Ontario, 1970, is repealed. ^{Act, repealed}
- (2) Notwithstanding subsection 1, where any municipality has qualified for the payment of an adjusted grant or grants under the said Act prior to the day on which this Act comes into force, sections 1, 3 and 4 of the said Act continue to apply in respect of the payment of such adjusted grants and the total amount of adjusted grants payable to any municipality may, where the appropriate Minister considers it desirable, be paid in a lump sum. ^{Application to existing adjusted grants}
2. This Act shall be deemed to have come into force on the 1st day of January, 1976. ^{Commencement}
3. This Act may be cited as *The Municipal Subsidies Adjustment Repeal Act, 1976*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 15, 1976

ASSEMBLY PROROGUED

December 16

1976

Robert Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to repeal
The Municipal Subsidies
Adjustment Act

1st Reading

June 8th, 1976

2nd Reading

June 14th, 1976

3rd Reading

June 14th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Provincial Parks Act**

THE HON. L. BERNIER
Minister of Natural Resources

4-31-71 1000 40 1.00

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OFFICE OF THE COMPTROLLER

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RECEIVED BY THE STATE OF NEW YORK
OFFICE OF THE COMPTROLLER

An Act to amend The Provincial Parks Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Provincial Parks Act*, being chapter 371 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor: s. 1,
re-enacted

1. In this Act,

Interpre-
tation

- (a) "assistant superintendent" means a person who is designated by the Minister as an assistant superintendent for the purposes of this Act and the regulations;
- (b) "conservation officer" means a conservation officer appointed under *The Game and Fish Act*;
- (c) "district manager" means the person in charge of the administrative district of the Ministry of Natural Resources in which a provincial park is situate;
- (d) "master plan" means a program and policy, or any part thereof, prepared from time to time in respect of a provincial park or proposed provincial park and includes the maps, texts and other material describing such program and policy;
- (e) "Minister" means the Minister of Natural Resources;
- (f) "park warden" means a person who is designated by the Minister as a park warden for the purposes of this Act and the regulations;
- (g) "provincial park" includes provincial camp grounds, provincial picnic grounds and provincial camp and picnic grounds;

R.S.O. 1970,
c. 186

(h) "public lands" means lands belonging to Her Majesty in right of Ontario, whether or not covered with water;

(i) "regulations" means the regulations made under this Act;

(j) "superintendent" means a person who is designated by the Minister as a superintendent to have charge of a provincial park.

s. 7a,
enacted

2. The said Act is amended by adding thereto the following section:

Master
plan

7a.—(1) The Minister may prepare a master plan in respect of any provincial park or proposed provincial park.

Idem

(2) The Minister may review a master plan from time to time and make amendments thereto.

s. 12,
re-enacted

3. Section 12 of the said Act is repealed and the following substituted therefor:

Powers of
superinten-
dent, etc.

12. In a provincial park, the district manager, superintendent and assistant superintendent and a park warden and conservation officer have all the power and authority of a member of the Ontario Provincial Police Force.

"manager"
substituted
for "forester"

4. The said Act is further amended by striking out "forester" where it occurs and inserting in lieu thereof in each instance "manager".

Commence-
ment

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. This Act may be cited as *The Provincial Parks Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

June 22 1976

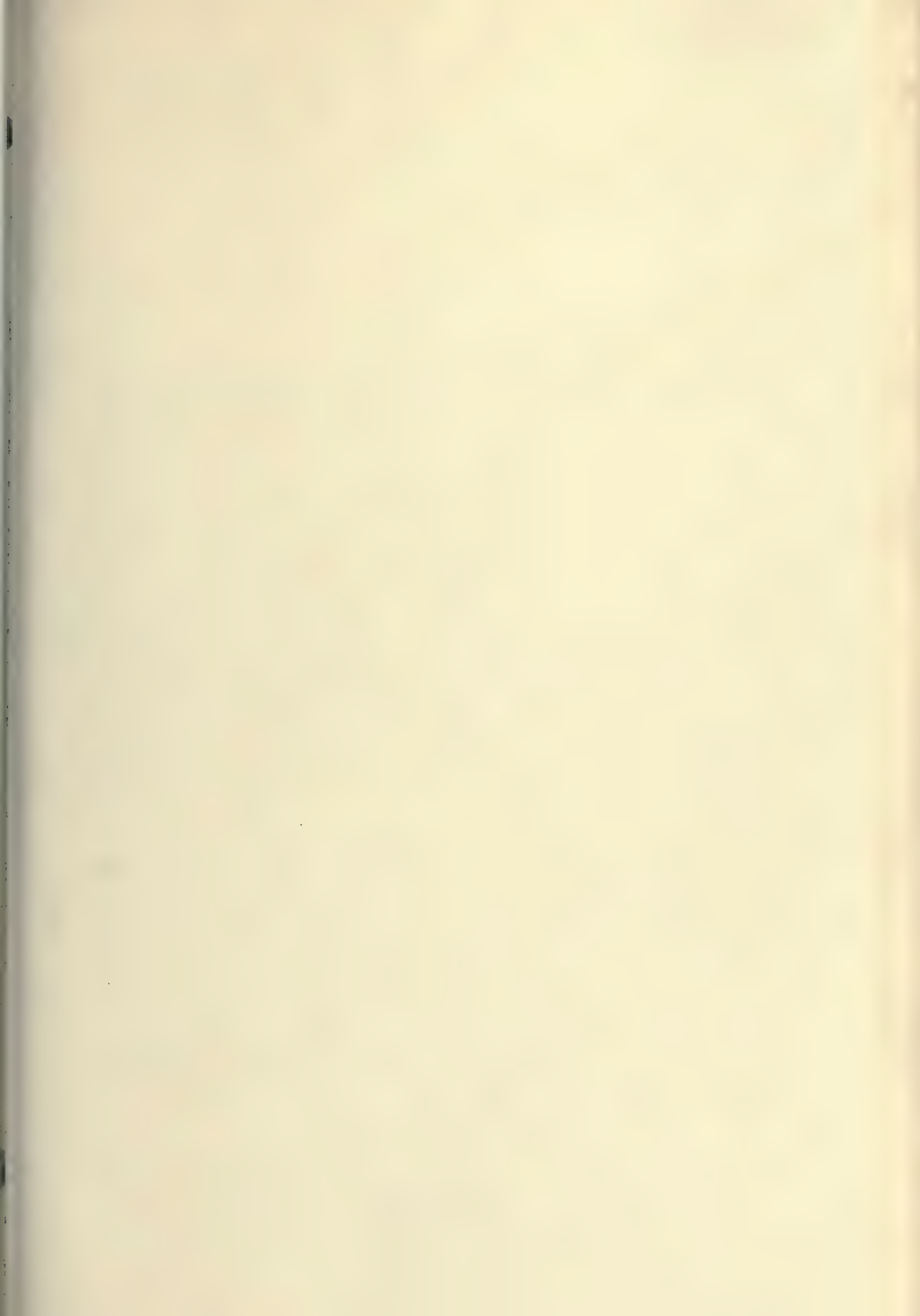
ASSEMBLY PROROGUED

December 16 1976

Radena Lewis

CLERK
LEGISLATIVE ASSEMBLY

Revised and corrected



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DATE OF ACQUISITION
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LIBRARY

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CHICAGO, ILL. 60607

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CHICAGO, ILL. 60607



An Act to amend
The Provincial Parks Act

1st Reading

June 8th, 1976

2nd Reading

June 14th, 1976

3rd Reading

June 21st, 1976

THE HON. L. BERNIER
Minister of Natural Resources

Enacted by P. S. Gibson
BILL 105

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting the Township of North Plantagenet

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

1875

1875

1875

1875

BILL 105

1976

An Act respecting the Township of North Plantagenet

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Township of North Plantagenet is hereby authorized to pass a by-law, without obtaining the approval of the Ontario Municipal Board, authorizing the borrowing of a sum not exceeding \$129,339 payable in not more than five years, for the purpose of paying the cost of certain drainage works which have been completed or are presently under construction within the said township shown in the Schedule hereto.

By-law
authorized

2. Sections 55, 56, 57, 58, 59 and 60 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 1.

Application
of
R.S.O. 1970,
c. 323,
ss. 55-60

3. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing the construction mentioned in section 1, and authorizing the Corporation to borrow the moneys mentioned in section 1.

Order
of
O.M.B.
deemed
issued

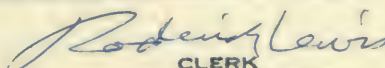
4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. This Act may be cited as *The Township of North Plantagenet Act, 1976*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR June 15 1976
ASSEMBLY PROROGUED December 16 1976


CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE

By-law No.	Drain	Costs to be financed
75-4	J. J. Seguin.....	\$55,520
75-7	2nd Concession.....	46,279
75-3	Allen Preslye.....	23,440
75-10	Rejean Leduc.....	4,100



An Act respecting the
Township of North Plangent

1st Reading

June 10th, 1976

2nd Reading

June 14th, 1976

3rd Reading

June 14th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

Pauline G. G. Hon
BILL 106

**3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976**

**An Act to amend
The City of Thunder Bay Act, 1968-69**

THE HON. W. D. McKEOUGH
**Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs**

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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**An Act to amend
The City of Thunder Bay Act, 1968-69**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 4 of section 8 of *The City of Thunder Bay Act, 1968-69*, being chapter 56, is amended by striking out “of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation” in the fourth, fifth, sixth and seventh lines and inserting in lieu thereof “incurred in connection with the undertaking controlled and managed by such Commission shall become, on that date, assets under the control and management and liabilities incurred in connection with the undertaking of The Hydro-Electric Commission of Thunder Bay, without compensation”. s. 8 (4),
amended

- (2) Subsection 5 of the said section 8 is amended by striking out “of such Commission shall become, on that date, assets under the control and management and liabilities of The Hydro-Electric Commission of The Lakehead without compensation” in the fifth, sixth, seventh and eighth lines and inserting in lieu thereof “incurred in connection with the undertaking controlled and managed by such Commission shall become, on that date, assets under the control and management of and liabilities incurred in connection with the undertaking of The Hydro-Electric Commission of Thunder Bay, without compensation”. s. 8 (5),
amended

- (3) The said section 8 is amended by adding thereto the following subsections: s. 8,
amended
 - (7) Where any real property is held or registered in the name of The Hydro-Electric Commission of the City of Fort William, The Public Utilities Commission of the City Assets
deemed
vested

of Port Arthur or The Hydro-Electric Commission of Thunder Bay, such real property shall be deemed to have vested, as at the date of acquisition thereof, in the corporation of the City by or for which such commission was constituted to the same extent as if the title to such real property had been taken in the name of the corporation of the City at the time of the acquisition of such real property.

Title

(8) Title to all real property acquired and placed under the control and management of The Hydro-Electric Commission of Thunder Bay shall be taken and held in the name of the City.

Lands and
premises
declared
assets of
City

(9) The lands and premises set forth in Schedule A hereto are removed from the control and management of The Hydro-Electric Commission of Thunder Bay and are declared to be assets of the City free and clear of any control or management rights of The Hydro-Electric Commission of Thunder Bay, notwithstanding the provisions of any general or special Act, and the City may sell, lease or otherwise dispose of the said lands and premises without the assent of Ontario Hydro and may retain the proceeds of any such sale, lease or disposition as municipal funds.

Idem

(10) The lands and premises described in Schedule B hereto shall, at such time as they are no longer required for the undertaking of The Hydro-Electric Commission of Thunder Bay, as evidenced by a resolution of such Commission, become assets of the City free and clear of any control or management rights of The Hydro-Electric Commission of Thunder Bay and, notwithstanding the provisions of any general or special Act, the City may then sell, lease or otherwise dispose of the said lands and premises without the assent of Ontario Hydro and may retain the proceeds of any such sale, lease or disposition as municipal funds.

Moneys

(11) The City shall place under the control and management of The Hydro-Electric Commission of Thunder Bay the sum of \$283,300, of which \$5,000 has already been placed under the control and management of such Commission, and the balance of \$278,300 shall be payable on the 1st day of July, 1976, with interest thereon from the 1st day of August, 1970, compounded annually at the rate of 8 per cent, which total amount the City shall be entitled to raise by any means it deems appropriate.

Disposition
of lands and
premises

(12) With the exception of the lands and premises set forth in Schedule A hereto, where The Hydro-Electric Commission of Thunder Bay is of the opinion, and so

declares by resolution, that any real property under its control and management is not required for the purposes of The Hydro-Electric Commission of Thunder Bay unless otherwise agreed upon by the City and the Commission it may be disposed of as follows:

1. In the event that the City wishes to retain such real property for a *bona fide* municipal purpose, it shall compensate The Hydro-Electric Commission of Thunder Bay for such real property at its actual cost, less accrued depreciation as shown on the books of The Hydro-Electric Commission of Thunder Bay, or the assessed value of such real property, whichever is the greater and the City may sell, lease or otherwise dispose of such real property without the assent of Ontario Hydro and may retain the proceeds of any such sale, lease or disposition as municipal funds.
2. In the event that the City does not wish to retain such real property in accordance with paragraph 1, the City shall, as soon as practicable, sell, lease or otherwise dispose of such real property at fair market value and the net proceeds derived from any sale, lease or other disposition of such real property or the compensation paid therefor pursuant to this subsection shall be paid over to The Hydro-Electric Commission of Thunder Bay and shall be applied in accordance with *The Public Utilities Act*.

R.S.O. 1970,
c. 390

(13) Except as provided in this section, the general provisions of any Act pertaining to a municipal hydro-electric commission shall continue to apply to the City and The Hydro-Electric Commission of Thunder Bay.

Application
of Acts

2. This Act shall not affect the conveyance by The Hydro-Electric Commission of Thunder Bay to Ontario Hydro dated the 17th day of July, 1975, and registered as Instrument No. 179322 in the Registry Office for the Registry Division of Thunder Bay nor the Lease from Ontario Hydro to The Hydro-Electric Commission of Thunder Bay registered as Instrument No. 182624 in the said Registry Office, nor the Agreement respecting possession of certain lands and premises dated the 28th day of May, 1975, and made between the City and The Hydro-Electric Commission of Thunder Bay.

Conveyance,
lease and
agreement
not
affected

3. Subsection 3 of section 20 of the said Act is repealed.

s. 20 (3),
repealed

4. This Act shall be deemed to have come into force on the 1st day of January, 1970.

Commence-
ment

5. This Act may be cited as *The City of Thunder Bay Amendment Act, 1976*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR June 22, 1976

106 ASSEMBLY PROROGUED December 16, 1976

Roderick Lewis
CLERK

LEGISLATIVE ASSEMBLY

SCHEDULE A

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City of Thunder Bay in the District of Thunder Bay in the Province of Ontario and being composed of the following:

FIRSTLY:

The whole of Lots Number Fifty-one (51) and Fifty-two (52) on the West Side of May Street and the South Forty-five and Seventy-eight One-hundredths (45.78') feet in perpendicular width throughout from front to rear of Lot Number Fifty-three (53), all in the said City, according to a Plan registered in the Registry Office for the Registry Division of Thunder Bay as Number W-123.

SECONDLY:

The South Fifteen (15') feet from front to rear of Lot Number One Hundred and Eighty-nine (189) in the Wiley Addition in the said City of Thunder Bay according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, being a portion of Parcel 1448 in the Register for City of Fort William Freehold.

THIRDLY:

The North Eighteen (18') feet of Lot Number One Hundred and Eighty-nine (189), the whole of Lot Number One Hundred and Ninety (190) and the South twenty-four (24') feet of Lot Number One Hundred and Ninety-one (191) in the Wiley Addition in the said City of Thunder Bay according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, being the whole of Parcel 2130 in the Register for City of Fort William Freehold.

FOURTHLY:

The North fifteen and one-half (15½') feet from front to rear of Lot Number One Hundred and Ninety-one (191) and the whole of Lot Number One Hundred and Ninety-two (192) in the said City of Thunder Bay, according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, being the whole of Parcel 1449 in the Register for City of Fort William Freehold.

FIFTHLY:

The Easterly forty-eight (48') feet in the perpendicular width of Lots Numbered One Hundred and Eighty-seven (187) and One Hundred and Eighty-eight (188) in the said City of Thunder Bay, according to a Plan filed in the Office of Land Titles at Thunder Bay as Plan Number WM-13, being a portion of Parcel 1448 in the Register for City of Fort William Freehold.

SCHEDULE B

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Thunder Bay in the District of Thunder Bay in the Province of Ontario and being composed of the whole of Lots Numbered One Hundred and Eighty-seven (187) and One Hundred and Eighty-eight (188) according to a Plan filed in the Office of Land Titles at Thunder Bay as Number WM-13, saving and excepting the Easterly Forty-eight (48') feet in perpendicular width of the said Lots 187 and 188, being a portion of Parcel 1448 in the Register for City of Fort William Freehold.

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An Act to amend
The City of Thunder Bay Act, 1968-69

1st Reading

June 10th, 1976

2nd Reading

June 16th, 1976

3rd Reading

June 21st, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

Pauline P. G. Gibson
BILL 108

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to provide for the Continuance of Certain
Payments between Municipalities under The Child
Welfare Act, 1965**

THE HON. J. TAYLOR
Minister of Community and Social Services

THE UNIVERSITY OF CHICAGO
CHICAGO, ILLINOIS

THE UNIVERSITY OF CHICAGO
CHICAGO, ILLINOIS

THE UNIVERSITY OF CHICAGO
CHICAGO, ILLINOIS

BILL 108

1976

**An Act to provide for the Continuance of
Certain Payments between Municipalities
under The Child Welfare Act, 1965**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding subsection 2 of section 7 of *The Statutes Revision Act, 1968-69*, being chapter 120, and Schedule A appended to the roll as referred to in subsection 1 of section 6 of the said Act and notwithstanding *The Revised Statutes Confirmation Act, 1972*, being chapter 83, section 88 of *The Child Welfare Act, 1965*, being chapter 14 and section 6 of Regulation 86 of the Revised Regulations of Ontario, 1970 made under the said section 88, shall be deemed to have been in force from and including the 1st day of September, 1971 to and including the 31st day of July, 1975.

1965,
c. 14,
s. 88 and
R.R.O. 1970,
Reg. 86,
s. 6 in
force

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Child Welfare Municipal Payments Continuance Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR June 22 1976
ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to provide for the Continuance of
Certain Payments between Municipalities
under The Child Welfare Act, 1965

1st Reading

June 10th, 1976

2nd Reading

June 16th, 1976

3rd Reading

June 18th, 1976

THE HON. J. TAYLOR
Minister of Community and
Social Services

S. Pauline P. P. S. S. S.
BILL 122

**3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976**

An Act respecting The Lake Superior Board of Education

THE HON. T. L. WELLS
Minister of Education

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

the following is a list of the names of the persons who have been named in the foregoing report.

Name	Address	City
J. C. Smith	123 Main St.	New York
W. H. Jones	456 Elm St.	Chicago
A. B. Brown	789 Oak St.	Boston
C. D. White	101 Pine St.	Philadelphia
E. F. Green	202 Cedar St.	San Francisco

BILL 122

1976

An Act respecting The Lake Superior Board of Education

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lake Superior Board of Education, hereinafter referred to as "the Board", may, notwithstanding subsections 3 and 4 of section 167 of *The Education Act, 1974*, sell any teacher's or caretaker's residence and land appurtenant thereto that it now owns to an employee of the Board under such terms and conditions as may be agreed upon between the Board and the employee.

Board's
authority
to sell
residences
and
appurtenant
lands to
Board
employees
1974, c. 109

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Lake Superior Board of Education Act, 1976*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR June 22 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act respecting The Lake
Superior Board of Education

1st Reading

June 17th, 1976

2nd Reading

June 21st, 1976

3rd Reading

June 21st, 1976

THE HON. T. L. WELLS
Minister of Education

Continued by P. S. Hon
BILL 123

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Legislative Assembly Act

THE HON. R. WELCH
Minister of Culture and Recreation

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 123

1976

An Act to amend The Legislative Assembly Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 5 of section 65 of *The Legislative Assembly Act*, being chapter 240 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1973, chapter 151, section 7, is repealed and the following substituted therefor:

s. 65 (5),
re-enacted

(5) The member of the Assembly representing the electoral district of Cochrane North, Kenora, Rainy River or Lake Nipigon shall be paid the actual cost, not exceeding \$2,500 in any year, of transportation by airplane within the electoral district and of accommodation within the electoral district or an electoral district contiguous thereto while on business as a member of the Assembly and any other member of the Assembly may be paid such of his actual costs of accommodation within the electoral district represented by him expended due to unusual or special circumstances while on business as a member of the Assembly as may be approved by the Board of Internal Economy, not exceeding \$2,500 in any year.

air travel
and
accom-
modation
costs
within
certain
electoral
districts
or under
special
circum-
stances

- (2) Subsection 6 of the said section 65 is repealed and the following substituted therefor:

s. 65 (6),
re-enacted

(6) There shall be paid to each member of the Assembly for not more than six round trips by bus, train or economy flight by scheduled airline or by private or rented automobile, or any combination thereof, while travelling within Ontario in any year on business as a member of the Assembly from the member's residence or the seat of government at Toronto the lesser of,

round trips
within
Ontario
from
residence
or seat of
government

- (a) the total cost incurred by the member for not more than six such round trips; or
- (b) \$800,

and the cost of transportation,

(c) by bus, train and economy flight by scheduled airline shall be the actual cost thereof;

(d) by rented automobile shall be the cost of the rental including the cost of a reasonable amount of public liability and collision insurance in relation thereto; and

(e) by private automobile shall be an allowance of 15 cents for every mile of such transportation.

s. 65 (7),
amended

(3) Subsection 7 of the said section 65 is amended by striking out "\$3,000" in the fourteenth line and inserting in lieu thereof "\$3,900".

s. 69 (a),
re-enacted
s. 69 (b),
repealed

2. Clauses *a* and *b* of section 69 of the said Act, as enacted by the Statutes of Ontario, 1974, chapter 116, section 2, are repealed and the following substituted therefor:

(a) for the use of the caucus of the Government, the caucus of the Official Opposition and the caucus of a party that has a recognized membership of twelve or more persons in the Assembly, for research purposes, such sums of money as are appropriated therefor by the Legislature.

Commence-
ment

3. This Act shall be deemed to have come into force on the 1st day of April, 1976.

Short title

4. This Act may be cited as *The Legislative Assembly Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR June 22 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Legislative Assembly Act

1st Reading

June 17th, 1976

2nd Reading

June 21st, 1976

3rd Reading

June 21st, 1976

THE HON. R. WELCH
Minister of Culture and Recreation

S
1 enl. in
BILL 127

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to ratify the entering into of an Agreement
under the Anti-Inflation Act (Canada)**

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 127

1976

**An Act to ratify the entering
into of an Agreement under the
Anti-Inflation Act (Canada)**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement of the 13th day of January, 1976 signed by the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs and by the acting Minister of Finance of Canada and referring to subsection 3 of section 4 of the *Anti-Inflation Act* (Canada) is ratified on behalf of the Government of Ontario, and the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs shall be deemed to have been authorized by the Government of Ontario to enter into the agreement and the agreement is and shall be deemed to have been effective in accordance with its terms.

Agreement
under
1974-75-76,
c. 75 (Can.)

2. All acts done and orders, rules and decisions made on or after the 14th day of October, 1975 and prior to the coming into force of this Act in the application of the *Anti-Inflation Act* (Canada) and the regulations made thereunder in relation to the provincial public sector, as defined in the agreement referred to in section 1, are confirmed with the same effect as if the agreement were valid and effective when signed as referred to in section 1.

Confirmation
of acts done
pursuant to
agreement

3. In the event of any inconsistency between the provisions of this Act or the agreement and the operation of any other law of the Province of Ontario, the provisions of this Act and the agreement prevail to the extent of the inconsistency.

Inconsistent
provincial
law

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. This Act may be cited as *The Anti-Inflation Agreement Act*, 1976.

Short title

ASSEMBLY PROROGUED

127

SENT TO BY LIEUTENANT-GOVERNOR July 15 1976
December 16 1976

Roderic Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to ratify the entering
into of an Agreement under the
Anti-Inflation Act (Canada)

1st Reading

July 13th, 1976

2nd Reading

July 15th, 1976

3rd Reading

July 15th, 1976

THE HON. R. McMurtry
Attorney General

BILL 130

Pauline L. L. S. K.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Planning Act

THE HON. J. R. RHODES
Minister of Housing

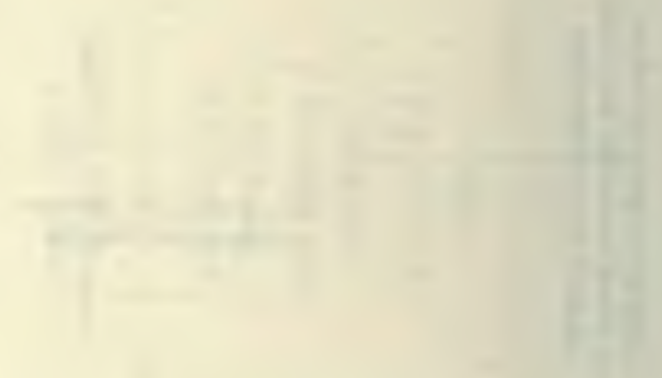
TORONTO

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An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, is amended by adding thereto the following sections:

30a.—(1) The Minister may by order delegate to a planning board of a planning area in a territorial district the authority of the Minister to give consents under section 29 in respect of any land within the planning area and where authority is delegated to a planning board the reference to the Minister in subclause ii of clause *b* and in clause *c* of subsection 1 of section 29 shall be deemed to be a reference to such planning board.

ss. 30a, 30b.
enacted

Delegation of
Minister's
powers

(2) A delegation made by the Minister under subsection 1 may be subject to such conditions as the Minister may by order provide and the Minister may by order withdraw any delegation.

Conditions
and with-
drawal of
delegation

(3) Where the Minister has delegated his authority to a planning board under subsection 1, the provisions of subsections 6, 7, 11 and 12 of section 41 and subsections 3 to 20 of section 42 apply *mutatis mutandis* in respect of applications for consent and such planning board shall be deemed to be a committee of adjustment for the purposes of subsections 6 and 12 of section 29.

Application
of ss. 41 (6, 7, 11,
12), 42 (3-20)

(4) A planning board as referred to in subsection 3 may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and the provisions of subsection 12a of section 29 apply *mutatis mutandis* to any such agreement.

Agreements

30b.—(1) The Minister by order may constitute and appoint one or more district land division committees and may by order delegate thereto the authority of the Minister to give consents under section 29 in respect of

Appointment
of district
land division
committee
and
delegation

such lands situate in a territorial district as are defined in the order, and, where authority is delegated to a district land division committee, the reference to the Minister in subclause ii of clause *b* and in clause *c* of subsection 1 of section 29 shall be deemed to be a reference to such district land division committee.

Selection
of
members

(2) The members of a district land division committee to be appointed under subsection 1 shall be selected at a meeting or meetings of the property owners and tenants of land in the district defined in the order made under subsection 1, and the procedure for calling such meeting or meetings, the number of members to be selected and the manner of conducting such selection shall be as prescribed by regulations made by the Minister, which regulations the Minister is authorized to make.

Conditions
and with-
drawal of
delegation

(3) A delegation made by the Minister under subsection 1 may be subject to such conditions as the Minister may by order provide and the Minister may by order withdraw any delegation.

Application
of ss. 41 (6-9, 11,
12), 42 (3-20)

(4) Where the Minister has delegated his authority to a district land division committee under subsection 1, the provisions of subsections 6 to 9 and 11 and 12 of section 41 and subsections 3 to 20 of section 42 apply *mutatis mutandis* and such district land division committee is deemed to be a land division committee within the meaning of subsections 6 and 12 of section 29.

Agreements

(5) A district land division committee may enter into agreements imposed as a condition to the giving of a consent in respect of land situate in territory without municipal organization and the provisions of subsection 12*a* of section 29 apply *mutatis mutandis* to any such agreement.

Remunera-
tion

(6) The members of a district land division committee appointed under this section shall be paid such remuneration as is provided for by the order appointing them.

Application
of fees

(7) The moneys received by a district land division committee by way of fees in respect of applications made to it shall be paid into the Consolidated Revenue Fund.

Moneys
R.S.O. 1970,
c. 349

2. Any moneys required for the purposes of section 30*b* of *The Planning Act*, as enacted by section 1 of this Act, shall, until the 31st day of March, 1977, be paid out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature.

s. 31 (2),
re-enacted

3. Subsection 2 of section 31 of the said Act is repealed and the following substituted therefor:

(2) Notwithstanding any other provision in this Act, the Minister, if he is of the opinion that a committee of adjustment or a land division committee constituted and appointed under section 30 is not giving consents in the manner contemplated by the provisions of this Act, may by order declare that such committee has no further jurisdiction to give consents for the purposes of section 29, and thereafter where the jurisdiction of a committee of adjustment has been so terminated, the Minister or the land division committee, as the case may be, shall act in the place and stead of the committee of adjustment for the giving of consents, and, where the jurisdiction of a land division committee has been so terminated, the Minister shall act in the place and stead of the land division committee.

Where jurisdiction to grant consents may be terminated

- 4.—(1) Subsection 5 of section 32 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 118, section 4, is repealed and the following substituted therefor:

s. 32 (5), re-enacted

(5) No notice or hearing is required prior to the making of an order under subsection 1 but the Minister shall give notice of any such order within thirty days of the making thereof in such manner as he considers proper and shall set out in the notice the provisions of subsections 7, 8 and 9.

Notice

- (2) Subsection 6, subsections 6a, 6b, 6c and 6d, as enacted by the Statutes of Ontario, 1973, chapter 168, section 8, and subsections 7 and 8 of the said section 32 are repealed and the following substituted therefor:

s. 32 (6-8), re-enacted

(6) The Minister shall cause a certified copy or duplicate of an order made under clause b of subsection 1 to be registered in the proper land registry office.

Registration

(7) The Minister may, on his own initiative or at the request of any person, by order amend or revoke in whole or in part any order made under subsection 1.

Revocation or amendment

(8) Except as provided in subsection 9, the Minister before amending or revoking in whole or in part an order made under subsection 1 shall give notice or cause to be given notice thereof in such manner as he considers proper and shall allow such period of time as he considers appropriate for the submission of representations in respect thereof.

Notice

(9) Where an application is made to the Minister to amend or revoke in whole or in part any order made under subsection 1, the Minister may, and on the request of any person shall, request the Municipal Board to hold a hearing on the

Hearing by O.M.B.

application and thereupon the Municipal Board shall hold a hearing as to whether the order should be amended or revoked in whole or in part.

Refusal
of request
by Minister

(10) Notwithstanding subsection 9, where the Minister is of the opinion that a request made under subsection 9 is not made in good faith or is frivolous or is made only for the purpose of delay, he may refuse such request.

Notice of
hearing

(11) Where the Minister has requested the Municipal Board to hold a hearing as provided for in subsection 9 notice of the hearing shall be given in such manner and to such persons as the Municipal Board may direct, and the Municipal Board shall hear any submissions that any person may desire to bring to the attention of the Board.

Power of
Municipal
Board

(12) The Municipal Board after the conclusion of the hearing shall make a decision to either amend or revoke the order in whole or in part or refuse to amend or revoke the order in whole or in part and the Minister shall give effect to the decision of the Board.

Copy of
decision

(13) A copy of the decision of the Municipal Board shall be sent to each person who appeared at the hearing and made representations on the matter.

Offence

(14) Every person who contravenes an order of the Minister made under clause *a* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

Effect of
land use
order

(15) An order of the Minister made under clause *b* of subsection 1 has the same effect as a by-law passed under section 29.

Prior orders
not invalid
for deficiency
in procedure
R.S.O. 1970,
c. 349

5.—(1) No order or regulation heretofore made in exercise of the powers conferred under section 32 of *The Planning Act* is invalid by reason only of any deficiency in the making or bringing into force of such order or regulation, including the lack of a hearing at any time prior to the coming into force of this section.

Saving

(2) Subsection 1 does not affect the rights acquired by any person from a judgment or order of any court prior to the day on which this Act comes into force or affect the outcome of any litigation commenced on or before the 26th day of October, 1976.

s. 42 (11, 12),
re-enacted

6.—(1) Subsections 11 and 12 of section 42 of the said Act are repealed and the following substituted therefor:

(11) The secretary-treasurer shall send by mail one copy ^{Notice of decision} of the decision, certified by him,

- (a) to the Minister if the Minister has notified the committee by registered mail that he wishes to receive a copy of all decisions of the committee;
- (b) to the applicant; and
- (c) to each person who appeared in person or by counsel at the hearing and who filed with the secretary-treasurer a written request for notice of the decision,

together with a notice of the last day for appealing to the Municipal Board.

(12) Where the secretary-treasurer is required to send a ^{Additional material} copy of the decision to the Minister under subsection 11, he shall also send to the Minister with such copy, the following:

- 1. A copy of the application to the committee certified by the secretary-treasurer.
 - 2. A copy of the draft minutes of the hearing by the committee as prepared for adoption by the committee.
 - 3. A copy of all maps or sketches that were before the committee on the hearing of the application and that show the land, building or structure that was the subject-matter of the application.
 - 4. A sworn declaration by the secretary-treasurer that he has complied with the requirements of subsection 11.
- (2) Subsection 15 of the said section 42 is repealed and the ^{s. 42 (15), re-enacted} following substituted therefor:

(15) On an appeal to the Municipal Board, the Municipal ^{Hearing} Board shall hold a hearing of which notice shall be given to the applicant, the appellant, the secretary-treasurer of the committee and to such other persons and in such manner as the Municipal Board may determine.

(3) Subsections 18 and 19 of the said section 42 are repealed ^{s. 42 (18, 19), re-enacted} and the following substituted therefor:

(18) When the Municipal Board makes an order on an ^{Notice of decision} appeal, the secretary of the Municipal Board shall send a

copy thereof to the applicant, the appellant and the secretary-treasurer of the committee.

- Idem (19) The secretary-treasurer shall file a copy of the order of the Municipal Board with the clerk of the municipality.
- Commencement 7. This Act comes into force on the day it receives Royal Assent.
- Short title 8. This Act may be cited as *The Planning Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec. 7 1976

ASSEMBLY PROROGUED

December 16 1976

Rodney Lewis

CLERK
LEGISLATIVE ASSEMBLY





2
1963

1111

An Act to amend
The Planning Act

1st Reading

October 26th, 1976

2nd Reading

November 2nd, 1976

3rd Reading

November 10th, 1976

THE HON. J. R. RHODES
Minister of Housing

BILL 131

Pauline D. G. S. H. H. H.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting Farm Income Stabilization

THE HON. W. NEWMAN
Minister of Agriculture and Food

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

THE UNIVERSITY OF CHICAGO

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BILL 131

1976

An Act respecting Farm Income Stabilization

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Commission" means the Farm Income Stabilization Commission of Ontario;
- (b) "farm product" means animals, meats, eggs, poultry, wool, milk, cream, grains, seeds, fruit, vegetables, maple products, honey and tobacco, or any class or part thereof, produced in Ontario;
- (c) "farm product receipts" means the amount ascertained and prescribed by the Commission for the purposes of a plan as representing, for each unit of farm product, the sum of,
 - (i) the market price,
 - (ii) the amount prescribed under clause *c* of subsection 1 of section 6 as a stabilization factor, and
 - (iii) any other moneys received or receivable by producers respecting the farm product to which the plan applies;
- (d) "Fund" means the Ontario Farm Income Stabilization Fund;
- (e) "inspector" means an inspector appointed for the purposes of this Act and includes the chief inspector;
- (f) "Minister" means the Minister of Agriculture and Food;

(g) "plan" means a voluntary plan for farm income stabilization established under subsection 1 of section 6;

(h) "regulations" means the regulations made under this Act.

Farm Income
Stabilization
Commission
of Ontario
established

2.—(1) There is hereby established a commission to be known as the "Farm Income Stabilization Commission of Ontario", which shall be a corporation without share capital responsible to the Minister.

Composition
of
Commission

(2) The Commission shall be composed of not fewer than five members who shall be appointed by the Lieutenant Governor in Council.

Nomination
for
appointment

(3) Three members may be appointed, one to represent each of the Christian Farmers Federation, the National Farmers Union and the Ontario Federation of Agriculture, on the following basis:

1. Each such organization may, in every year, before the 31st day of March, nominate to the Lieutenant Governor in Council a person for membership on the Commission.

2. The Lieutenant Governor in Council shall appoint such nominees as members of the Commission before the 30th day of April in that year to hold office until the 29th day of April in the year next following.

Chairman
and vice-
chairman

(4) The Lieutenant Governor in Council may designate one of the members of the Commission as chairman and one as vice-chairman.

Quorum

(5) Three members of the Commission, of whom one shall be the chairman or vice-chairman, constitute a quorum.

Remunera-
tion

(6) Members of the Commission who are not officers in the public service of Ontario shall receive such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

R.S.O. 1970,
c. 89 does
not apply

(7) *The Corporations Act* does not apply to the Commission.

Commission
a Crown
agency
R.S.O. 1970,
c. 100

(8) The Commission is a Crown agency within the meaning of *The Crown Agency Act*.

(9) The failure or refusal to nominate a person by any of the organizations referred to in subsection 3, or the consequent lack of appointment of a person to represent such organization, or the failure or refusal of any member appointed in accordance with subsection 3 to act, does not affect the status of the Commission, the carrying out of its powers and duties under this Act or the validity of any order, direction or regulation made by it.

Powers, etc.,
of
Commission
not affected

3.—(1) A general manager of the Commission and such other officers, clerks and servants as are considered necessary from time to time for the proper conduct of the business of the Commission may be appointed under *The Public Service Act*.

General
manager
and staff

R.S.O. 1970,
c. 386

(2) *The Public Service Superannuation Act* applies to the permanent staff of the Commission as if it had been designated by the Lieutenant Governor in Council under section 27 of that Act.

R.S.O. 1970,
c. 387
to apply

(3) The general manager of the Commission shall be the chief administrative officer of the Commission.

General
manager to
be chief
adminis-
trative
officer

(4) The Commission may, subject to the approval of the Minister, engage persons other than those appointed under subsection 1 to provide professional, technical or other assistance to or on behalf of the Commission.

Professional
and technical
assistance

4.—(1) The Minister may appoint a chief inspector and such other inspectors as he considers necessary.

Appointment
of chief
inspector
and
inspectors

(2) The production by an inspector of a certificate of his appointment purporting to be signed by the Minister is admissible in evidence as *prima facie* proof of his appointment without further proof of the signature or authority of the Minister.

Certificate of
appointment

(3) Subject to subsections 4, 5, 6 and 7, an inspector may, for the purpose of carrying out his duties under this Act,

Powers of
inspector

- (a) enter any premises, other than a dwelling, owned or occupied by a person enrolled in a plan; and
- (b) demand the production or furnishing by the person enrolled in the plan of any books, records or documents or extracts therefrom relating to the farm product to which the plan applies.

When
powers may
be exercised

R.S.O. 1970,
c. 450

Production
and photo-
copying of
records, etc.

Certification
of photocopy

Demand
to be in
writing

Obstruction
of inspector

Offence

Functions
and powers of
Commission

(4) An inspector shall exercise his powers under subsection 3 only during normal business hours, but nothing in this section affects the issuance and execution of a warrant under section 16 of *The Summary Convictions Act*.

(5) Where an inspector demands the production or furnishing of books, records or documents, or extracts therefrom, the person having custody thereof shall produce or furnish them to the inspector and the inspector may detain them for the purpose of photocopying them, provided such photocopying is carried out with reasonable dispatch, and the inspector shall forthwith thereafter return them to the person who produced or furnished them.

(6) Where a book, record, document or extract has been photocopied under subsection 5, a photocopy purporting to be certified by an inspector to be a copy made pursuant to subsection 5 is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way.

(7) Where an inspector makes a demand under clause *b* of subsection 3, the demand shall be in writing and shall include a statement of the nature of the books, records, documents or extracts required.

(8) No person shall hinder or obstruct an inspector in the course of his duties or furnish him with false information or refuse to furnish him with information.

(9) Every person who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000.

5. It is the function of the Commission and it has power,

- (a) to administer plans of farm income stabilization established by the regulations;
- (b) to provide for surveys and research relating to farm income stabilization and to obtain statistics for its purposes;
- (c) to administer this Act and the regulations; and
- (d) to exercise such powers and perform such duties as are conferred or imposed on it by or under this or any other Act.

6.—(1) Subject to the approval of the Lieutenant Governor in Council, the Commission may make regulations establishing, amending and revoking voluntary plans for farm income stabilization respecting farm products and governing the terms and conditions of stabilization under any plan and, without restricting the generality of the foregoing, may make regulations,

Regulations
by
Commission

- (a) designating a farm product to which a plan applies;
- (b) ascertaining and prescribing, from time to time, the farm product receipts effective for a farm product to which a plan applies;
- (c) prescribing, from time to time, the stabilization factor to be included in the farm product receipts effective for a farm product which shall be,

- (i) in the case of a farm product named in subsection 1 of section 2 of the *Agricultural Stabilization Act* (Canada), the moneys paid or payable per unit of farm product under that Act,

R.S.C. 1970,
c. A-9

- (ii) in the case of a farm product designated as an agricultural commodity under the *Agricultural Stabilization Act* (Canada), where the percentage prescribed under paragraph *b* of subsection 1 of section 8.2 of that Act is less than ninety, the moneys that would have been paid or payable per unit of farm product under that Act if the percentage prescribed had been ninety,

- (iii) in the case of a farm product designated as an agricultural commodity under the *Agricultural Stabilization Act* (Canada), where the percentage prescribed under paragraph *b* of subsection 1 of section 8.2 of that Act is ninety or greater, the moneys paid or payable per unit of farm product under that Act, or

- (iv) in the case of a farm product other than those referred to in subclauses i, ii and iii, an amount that, in the opinion of the Commission, represents the amount of money that would have been payable per unit of farm product if the farm product had been designated as an agricultural commodity under the *Agricultural Stabilization Act*

(Canada) and the percentage prescribed under paragraph *b* of subsection 1 of section 8.2 of that Act were ninety;

- (*d*) ascertaining and prescribing, from time to time, a base price respecting the farm product to which a plan applies representing the average price thereof at representative markets as determined by the Commission for the five years immediately preceding the year prescribed in the plan;
- (*e*) establishing, from time to time, a stabilization price or prices respecting a farm product to which a plan applies obtained by adjusting 95 per cent of the base price thereof by an index calculated in such manner as the Commission may prescribe in the regulations to reflect the estimated cash-cost of production of the farm product in the year for which the stabilization price or prices are established as compared with the average cash-cost of production for the five years immediately preceding that year;
- (*f*) fixing, from time to time, the fees to be paid by any person enrolled in a plan, and prescribing the times and method of payment;
- (*g*) prescribing the maximum level of production or marketing for which a person enrolled in a plan is eligible to receive payments under the plan;
- (*h*) prescribing the minimum level of production or marketing by a person to be eligible to enrol or continue to be enrolled in a plan;
- (*i*) prescribing, in respect of a farm product to which a plan applies, the proportion of gross income derived from farming that a person is required to have to be eligible to enrol or continue to be enrolled in the plan;
- (*j*) prescribing terms and conditions to be complied with by applicants for enrolment in a plan;
- (*k*) prescribing the length of the term of enrolment and conditions of enrolment to be complied with by persons enrolled in a plan;
- (*l*) requiring applicants for enrolment in a plan or any person enrolled in a plan to furnish such

information, statements or reports as the Commission from time to time requires;

- (m) prescribing the time or times at which applications for enrolment in a plan may be made;
- (n) prescribing the terms and conditions under which a person enrolled in a plan may withdraw from participation in the plan;
- (o) providing for the adjustment of fees payable by any person enrolled in a plan or the adjustment of payments thereto, where the amount of farm product for which fees were paid varies from the amount otherwise eligible for payment or where the person receives moneys respecting the farm product that are not taken into account in calculating the farm product receipts prescribed for the farm product;
- (p) prescribing the time or times at which payments shall be made under subsection 4;
- (q) prescribing forms and providing for their use and requiring any information given in a form to be verified by statutory declaration.

(2) No person who is not ordinarily a resident of Ontario is eligible to enrol in a plan. Eligibility
for
enrolment

(3) The Commission shall fix fees to be paid by a person enrolled in a plan at a level that, in its opinion, will return one-third of the amount necessary to maintain the Fund in respect of the farm product for which fees are fixed over the length of the term of enrolment prescribed in the plan. Level at
which fees
to be fixed

(4) Where, under a plan, the stabilization price exceeds the farm product receipts, the Commission, subject to the regulations, shall, at the time or times prescribed in the regulations, pay to those persons enrolled in the plan the difference between the stabilization price and the farm product receipts respecting any farm product under the plan marketed by such persons. Payment
to persons
enrolled
in plan

(5) Where, under a plan, in any year, the stabilization price exceeds a cost of production figure that is ascertained and prescribed by the Commission, and which may be prescribed in the regulations, the stabilization price, for Stabilization
price deemed
to be equal
to cost of
production
figure

the purposes of subsection 4, shall be deemed to be equal to that cost of production figure.

Negotiation

7.—(1) The Commission shall, respecting any proposed plan or proposed amendments to a plan, negotiate with,

R.S.O. 1970,
cc. 162, 273

(a) any local board under *The Farm Products Marketing Act* or marketing board under *The Milk Act* affected thereby;

(b) the Christian Farmers Federation;

(c) the National Farmers Union;

(d) the Ontario Federation of Agriculture; and

(e) such other organizations or groups of producers as the Commission considers proper.

Powers under
s. 6 not
affected by
failure to
negotiate

(2) The failure or refusal to negotiate or continue negotiation by any of the organizations referred to in clauses *a*, *b*, *c*, *d* and *e* of subsection 1 does not affect the exercise by the Commission or the Lieutenant Governor in Council of the powers contained in section 6.

Refusal
of payment
after
hearing

8.—(1) The Commission may, after a hearing, cancel the enrolment of any person enrolled in a plan where the Commission finds that he or any other person under his control, in his employ or associated with him in producing the farm product for which he is enrolled, has,

(a) contravened subsection 8 of section 4;

(b) knowingly supplied the Commission with information respecting such farm product that is false or calculated to mislead and that may affect payments to him under the plan; or

(c) ceased to be qualified to be enrolled in the plan,

and may make such order as to repayment of the whole or any part of fees paid or the payment of any benefits that might otherwise accrue under this Act as the Commission considers just and proper.

1971, c. 47,
applies

(2) *The Statutory Powers Procedure Act, 1971* applies to a hearing held under subsection 1.

Person
deemed
to have
withdrawn
from
enrolment

(3) Where a person who has been enrolled in a plan fails to pay fees in the amount and manner prescribed

in the regulations, he shall be deemed to have withdrawn from enrolment.

(4) Where a person who was enrolled in a plan has withdrawn or is deemed to have withdrawn from enrolment in the plan or has had his enrolment cancelled, the Commission, subject to the regulations, may at any time enrol or refuse to enrol that person in that or any other plan.

9.—(1) All fees fixed in respect of a plan shall be paid to the Commission.

Enrolment
or refusal
of enrolment

Fees to be
paid to
Commission

(2) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to pay to the Commission such amounts out of the moneys appropriated therefor by the Legislature as the Lieutenant Governor in Council may determine.

Payment to
Commission

10.—(1) The Commission shall establish and maintain in a chartered bank or the Province of Ontario Savings Office a fund to be known as the "Ontario Farm Income Stabilization Fund", to which shall be credited the moneys received by the Commission under sections 9 and 11.

Ontario
Farm Income
Stabilization
Fund

(2) The Commission shall maintain separate books of account respecting each farm product to which a plan applies.

Books of
account

(3) The Commission shall pay out of the Fund all moneys required for,

Payments
out of
Fund

(a) the payment of moneys under any plan; and

(b) the repayment of loans made under section 11.

11. The Treasurer of Ontario, with the approval of the Lieutenant Governor in Council and upon such terms and conditions as the Lieutenant Governor in Council may prescribe, may make loans to the Commission and may acquire and hold as evidence thereof bonds, debentures or notes or other evidences of indebtedness of the Commission.

Loans to
Commission

12. The Commission shall, at the discretion of the Treasurer of Ontario, pay into the Consolidated Revenue Fund any surplus moneys in the Fund that are not necessary for the current requirements of the Commission and section 16 of *The Financial Administration Act* applies thereto.

Surplus

R.S.O. 1970,
c. 166

Moneys

13.—(1) The moneys required for the purpose of defraying the operating expenses of the Commission shall be paid out of moneys appropriated by the Legislature for that purpose.

Idem

(2) Notwithstanding subsection 1, the moneys required for the purposes of this Act shall, from the date of the coming into force of this Act until the 31st day of March, 1977, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.

Audit

14. The accounts and financial transactions of the Commission shall be audited annually by the Provincial Auditor, and a report of the audit shall be made to the Commission and to the Minister.

Annual report

15.—(1) The Commission shall make an annual report of the affairs of the Commission to the Minister.

Tabling

(2) The Minister shall submit the annual report to the Lieutenant Governor in Council and shall then lay the report before the Legislative Assembly if it is in session or, if not, at the next ensuing session.

Agreements with Government of Canada

16. The Minister may, with the approval of the Lieutenant Governor in Council, enter into agreements with the Government of Canada to further the carrying out of the intent and purpose of this Act.

Commencement

17. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

18. This Act may be cited as *The Farm Income Stabilization Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Law
CLERK
LEGISLATIVE ASSEMBLY

1870. The first of the year was a very dry one, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought.

1871. The second of the year was a very wet one, and the crops were much injured by the rain. The weather was very cold, and the crops were much injured by the rain.

1872. The third of the year was a very dry one, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought.

1873. The fourth of the year was a very wet one, and the crops were much injured by the rain. The weather was very cold, and the crops were much injured by the rain.

1874. The fifth of the year was a very dry one, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought.

1875. The sixth of the year was a very wet one, and the crops were much injured by the rain. The weather was very cold, and the crops were much injured by the rain.

1876. The seventh of the year was a very dry one, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought.

1877. The eighth of the year was a very wet one, and the crops were much injured by the rain. The weather was very cold, and the crops were much injured by the rain.

1878. The ninth of the year was a very dry one, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought.

1879. The tenth of the year was a very wet one, and the crops were much injured by the rain. The weather was very cold, and the crops were much injured by the rain.

1880. The eleventh of the year was a very dry one, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought.

1881. The twelfth of the year was a very wet one, and the crops were much injured by the rain. The weather was very cold, and the crops were much injured by the rain.

1882. The thirteenth of the year was a very dry one, and the crops were much injured by the drought. The weather was very hot, and the crops were much injured by the drought.

An Act respecting
Farm Income Stabilization

1st Reading

October 26th, 1976

2nd Reading

November 25th, 1976

3rd Reading

December 14th, 1976

THE HON. W. NEWMAN
Minister of Agriculture and Food

Pauline G. H. H.
BILL 133

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Assessment Act

THE HON. A. K. MEEN
Minister of Revenue

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 133

1976

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 86 of *The Assessment Act*, being chapter 32 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 41, section 25, is repealed and the following substituted therefor:

86. Subject to the other provisions of this Act and to the alterations, corrections, additions and amendments authorized by this Act, and for the purpose of any special or general Act,

s. 86,
re-enacted

Roll to be
returned
in 1974,
1975 and
1976

- (a) the assessment roll of a municipality to be returned in the year 1974 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1970 for taxation in the year 1971 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1974;
- (b) the assessment roll of a municipality to be returned in the year 1975 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1974 for taxation in the year 1975 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1975; and
- (c) the assessment roll of a municipality to be returned in the year 1976 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1975 for taxation in the year 1976 as amended, added to or otherwise altered up to the third Tuesday following the 1st day of December, 1976,

provided that where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the year 1974, 1975 or 1976 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

s. 95,
re-enacted

2. Section 95 of the said Act, as enacted by the Statutes of Ontario, 1971, chapter 79, section 13, and amended by 1973, chapter 148, section 3 and 1974, chapter 41, section 30, is repealed and the following substituted therefor:

Idem

95. Section 90 ceases to be in force on the 20th day of December, 1977, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action which will affect taxes for the years 1971 to and including 1977.

s. 96 (1),
amended

- 3.—(1) Subsection 1 of section 96 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 41, section 31, is amended by striking out "1976" in the third line and inserting in lieu thereof "1977".

s. 96 (2),
amended

- (2) Subsection 2 of the said section 96 is amended by striking out "1977" in the second line and inserting in lieu thereof "1978".

Commence-
ment

- 4.—(1) This Act, except subsection 1 of section 3, comes into force on the 1st day of December, 1976.

Idem

- (2) Subsection 1 of section 3 shall be deemed to have come into force on the 1st day of January, 1976.

Short title

5. This Act may be cited as *The Assessment Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec. 7, 1976

ASSEMBLY PROROGUED December 16, 1976

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Assessment Act

1st Reading

October 26th, 1976

2nd Reading

November 2nd, 1976

3rd Reading

November 2nd, 1976

THE HON. A. K. MEEN
Minister of Revenue

S. Pauline Lip. Lip. & Son
BILL 135

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to provide for the limited inclusion
of Grapes grown outside Ontario in Ontario Wine**

THE HON. S. HANDLEMAN
Minister of Consumer and Commercial Relations

BILL 135

1976

**An Act to provide for the limited inclusion
of Grapes grown outside Ontario
in Ontario Wine**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding any provision of *The Liquor Licence Act, 1975* and *The Liquor Control Act, 1975* and the regulations made thereunder, the Lieutenant Governor in Council may make regulations, Regulations
for use of
non-Ontario
grapes
and wine
1975, cc. 40, 27

- (a) fixing for each manufacturer licensed under *The Liquor Licence Act, 1975* a quota of grapes grown out of Ontario or the equivalent thereof in imported wine that may be used by the manufacturer in the manufacture of wine for the purposes set out in section 2;
- (b) prescribing the terms and conditions under which the quotas mentioned in clause *a* may be used and providing for their cancellation or reduction;
- (c) prescribing the proportions in which grapes grown out of Ontario or the equivalent thereof in imported wine may be used in the manufacture of wine with grapes, or the concentrates thereof, grown in Ontario.

(2) A manufacturer licensed under *The Liquor Licence Act, 1975* shall not, after the 31st day of December, 1981, introduce into the manufacture of wine any part of the quota of grapes or imported wine fixed under clause *a* of subsection 1. Time limit
used in
manufacture

2. Notwithstanding any provision of *The Liquor Licence Act, 1975*, a manufacturer of Ontario wine licensed under *The Liquor Licence Act, 1975* may, Sale of
wine
permitted

(a) keep for sale and sell to the Liquor Control Board;
and

(b) keep for sale and sell under the supervision and
control of the Liquor Control Board,

wine manufactured in accordance with this Act and the
regulations by the combination of grapes grown in Ontario,
or the concentrates thereof, with grapes grown out of
Ontario or imported wines.

Offence

3. Any contravention of this Act or the regulations
thereunder shall be deemed to be a contravention of
subsection 1 of section 4 of *The Liquor Licence Act, 1975*.

Application
of 1975,
cc. 27, 40

4. Nothing in this Act shall be construed so as to limit
the application of *The Liquor Control Act, 1975* and *The
Liquor Licence Act, 1975* and the regulations thereunder,
except as specifically provided herein.

Purpose
of Act

5. The purpose of this Act is to permit the introduction
of grapes grown outside Ontario and imported wine into
wine manufactured in Ontario without reducing the use of
Ontario grapes in the content.

1972, c. 171,
repealed

6. *The Wine Content Act, 1972*, being chapter 171, is
repealed.

Commence-
ment

7. This Act comes into force on a day to be named by
proclamation of the Lieutenant Governor.

Short title

8. This Act may be cited as *The Wine Content Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR. Dec 16 19 76

ASSEMBLY PROROGUED December 16 19 76

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to provide for the limited inclusion
of Grapes grown outside Ontario in Ontario
Wine

1st Reading

October 26th, 1976

2nd Reading

December 14th, 1976

3rd Reading

December 16th, 1976

THE HON. S. HANDLEMAN
Minister of Consumer and
Commercial Relations

BILL 136

Pauline P. H. S. H.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

The Corporations Information Act, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL 136

1976

The Corporations Information Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "corporation" means any corporation with or without share capital wherever or however incorporated and includes "extra-provincial corporation";
- (b) "court" means the Supreme Court of Ontario presided over by one of those judges of the High Court who are designated by the Chief Justice of the High Court for the purpose of hearing applications under this Act;
- (c) "extra-provincial corporation" means a corporation with or without share capital incorporated otherwise than by or under the authority of an Act of the Legislature;
- (d) "Minister" means the Minister of Consumer and Commercial Relations or such other member of the Executive Council to whom the administration of this Act may be assigned;
- (e) "Ministry" means the Ministry of the Minister;
- (f) "prescribed" means prescribed by the regulations;
- (g) "regulations" means the regulations made under this Act. 1971, c. 27, s. 1; 1972, c. 1, s. 37, *amended*.

2.—(1) No corporation shall carry on business in Ontario or identify itself to the public in Ontario by a name or style other than its corporate name unless the name or style is first registered with the Minister.

Registration
of business
names

Idem

(2) A corporation may register a name or style referred to in subsection 1 by filing with the Minister a statement setting out,

- (a) the name of the corporation;
- (b) the jurisdiction in which it was incorporated;
- (c) the name or style in which it intends to carry on business or identify itself to the public;
- (d) a brief description of the business, activity or service to be carried on in or identified by the name being registered; and
- (e) the location of its head office giving street and number, if any. 1971, c. 27, s. 2 (1, 2).

Form of name

(3) A name or style registered under this section shall not have the word "Limited", "Incorporated", "Corporation" or "Co-operative" or its corresponding abbreviation "Ltd.", "Inc.", "Corp." or "Co-op." or the corresponding version in another language, as the last word thereof.

Use of corporate name

(4) Notwithstanding subsection 1, a corporation shall set out its corporate name in legible characters in all contracts, invoices, negotiable instruments and orders for goods or services issued or made by or on behalf of the corporation. *New.*

Rights to name

(5) The registration of a name or style under this section does not confer on the corporation any right to such name or style that it does not otherwise have.

Expiration and renewal
1971, c. 27

(6) Every registration made under this section or the predecessor of this section in *The Corporations Information Act, 1971*, expires five years after the registration, unless sooner withdrawn by the corporation, subject to renewal for a further period of five years from time to time. 1971, c. 27, s. 2 (3, 4), *amended.*

Filing of initial notice

3.—(1) Subject to section 4, within sixty days of the later of the date upon which this section comes into force, the date of its amalgamation, incorporation, or continuation, or of the date of establishing its head or other office or carrying on any business activity or service or a part thereof in Ontario, every corporation, unless of a class exempted by the regulations, shall make out, verify and file with the Minister an initial notice setting out as of the date of filing,

- (a) the name of the corporation;
- (b) the date and manner of its incorporation, continuation or amalgamation;
- (c) the jurisdiction under which the corporation was incorporated, continued or amalgamated;
- (d) the names and residence addresses, giving street and number, if any, of the directors and the date on which each became a director and, where the corporation is a corporation with share capital, whether or not,
 - (i) each director is a resident Canadian, and
 - (ii) each director is a director of any other corporation related to the corporation as determined under *The Corporations Tax Act*, 1972, c. 143 1972, and, if so, the name of such related corporation and the jurisdiction of its incorporation;
- (e) the names and residence addresses, giving street and number, if any, of its president, secretary, treasurer and general manager, or the holders of any equivalent offices, and the date on which each became an officer;
- (f) the location of its head office and, if different from the head office, the principal place of business in Ontario, giving street and number, if any, in each case. 1971, c. 27, s. 3 (1), *part*; 1972, c. 139, s. 1 (1), *amended*.

(2) Where a corporation has filed the latest annual return required under *The Corporations Information Act*, 1971 before this section comes into force, the annual return together with any notice of change filed shall be deemed to be the initial notice required by subsection 1. *New*.

Continuation
of previous
filing
1971, c. 27

(3) Every corporation to which subsection 1 applies shall file with the Minister a notice of change for every change under clauses *a* to *f* of subsection 1 or clauses *a* to *c* of subsection 1 or 2 of section 4, whichever is applicable, within ten days after the change or changes took place and the notice shall repeat the information required under the said clauses and shall specify any changes, together with the dates thereof that have taken place. 1971, c. 27, s. 3 (5), *amended*.

Notice of
change

Verification (4) Every notice filed under subsection 1 or 3 shall be verified by the certificate of an officer or director of the corporation or other individual person having knowledge of the affairs of the corporation. 1971, c. 27, s. 3 (3), *amended*.

Carrying on business
R.S.O. 1970,
c. 280 (5) A corporation that holds a licence under *The Mortmain and Charitable Uses Act* shall be deemed to be carrying on business in Ontario for the purposes of subsection 1. 1971, c. 27, s. 3 (2).

Availability of copy at head office (6) The corporation shall retain a duplicate of all notices submitted under this Act and shall maintain a copy or copies available for examination by any shareholder, member, director, officer or creditor of the corporation during the normal business hours of the corporation at its head or principal office in Ontario, who may make copies thereof or extracts therefrom. 1971, c. 27, s. 3 (4), *amended*.

Extra-provincial corporations
R.S.O. 1970,
c. 89 4.—(1) Notwithstanding clauses *a* to *f* of subsection 1 of section 3, an extra-provincial corporation holding a licence issued under Part IX of *The Corporations Act* shall file the following information only,

- (a) the name and office address of its attorney for service in Ontario;
- (b) the name and office address of its chief officer or manager in Ontario;
- (c) the location of its principal office in Ontario. 1971, c. 27, s. 3 (1), *part*.

Other corporations (2) Notwithstanding clauses *a* to *f* of subsection 1 of section 3, a corporation incorporated, continued or amalgamated by or under the authority of an Act of the Parliament of Canada or a corporation prescribed by the regulations shall file the following information only,

- (a) the name of the corporation;
- (b) the date and manner of its incorporation, continuation or amalgamation;
- (c) the jurisdiction under which the corporation was incorporated, continued or amalgamated. *New*.

Further notice on request 5. The Minister may at any time by notice in writing, given by prepaid mail or otherwise, require any corporation to file within thirty days after receipt of the notice a notice upon any or all of the matters contained in section 3 or 4. *New*.

6. The Minister shall cause every notice received in his office under this Act to be endorsed with a memorandum of the date of its receipt and to be recorded. *New.*

Date of receipt

7.—(1) Upon payment of the prescribed fee, any person is entitled to examine the record of any document filed under section 2, 3, 4 or 5 or any predecessor thereof, and to make extracts therefrom.

Examination by public

(2) Upon payment of the prescribed fee, the Minister shall furnish any person with a certified copy of the contents of any document filed with him under section 2, 3, 4 or 5 or any predecessor thereof. 1971, c. 27, s. 4.

Furnishing copies

8.—(1) The Minister may at any time by notice in writing, given by prepaid mail or otherwise, require any corporation to file within the time specified in the notice a return upon any subject connected with its affairs and relevant to the administration or enforcement of this Act, *The Business Corporations Act*, *The Corporations Act* or *The Co-operative Corporations Act*, 1973.

Information required by Minister

R.S.O. 1970, cc. 53, 89
1973, c. 101

(2) The Minister or any employee of the Ministry shall not disclose any information contained in a return made under subsection 1 except where the disclosure is necessary for the administration or enforcement of this Act, *The Business Corporations Act*, *The Corporations Act* or *The Co-operative Corporations Act*, 1973 or where disclosure is required by a court for the purposes of an action, prosecution or other proceeding. 1971, c. 27, s. 5, *amended*.

Confidentiality

9. The Minister, with the approval of the Lieutenant Governor in Council, may delegate in writing any of his duties or powers under this Act to any public servant in the Ministry. 1971, c. 27, s. 6.

Delegation by Minister

10.—(1) Every person who makes a statement in any document, material, evidence or information submitted or required by or for the purposes of this Act that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact or that omits to state any material fact, the omission of which makes the statement false or misleading, is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both, or, if such person is a corporation, to a fine of not more than \$25,000.

Offence

(2) No person is guilty of an offence under subsection 1 if he did not know the statement was false or misleading

Knowledge as element of offence

and, in the exercise of reasonable diligence, could not have known that the statement was false or misleading.

Respon-
sibility of
directors and
officers

(3) Where a corporation is guilty of an offence under subsection 1, every director or officer of such corporation who authorized, permitted or acquiesced in such offence is also guilty of an offence and, on summary conviction, is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than one year, or to both. 1971, c. 27, s. 7.

General
offence

11.—(1) Every person who,

(a) contravenes this Act or the regulations;

or

(b) fails to observe or comply with any order, direction, or other requirement made under this Act or the regulations,

is, except where such conduct constitutes an offence under section 10, guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 or, if such person is a corporation, to a fine of not more than \$25,000.

Respon-
sibility of
directors and
officers

(2) Where a corporation is guilty of an offence under subsection 1, every director or officer of the corporation, and, where the corporation is an extra-provincial corporation, every person acting as his representative in Ontario, who authorized, permitted or acquiesced in such offence is also guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. 1971, c. 27, s. 8.

Consent to
prosecute

12.—(1) No proceedings under section 10 or 11 shall be commenced except with the consent of or under the direction of the Minister.

Limitation

(2) No proceedings under section 10 or 11 shall be commenced more than two years after the facts upon which the proceedings are based first came to the knowledge of the Minister as certified by him. 1971, c. 27, s. 9, *amended*.

Order for
compliance

13. Where it appears to the Minister or to any shareholder, member, creditor, director or officer of the corporation that the corporation has not complied with any provision of this Act or the regulations or any order, direction or other requirement made under this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights he may have, he may apply to the court for an order

directing the corporation or any director or officer or employee, as the case may be, to comply with such provision, order, direction or other requirement or for an order restraining such person from contravening such provision, order, direction or requirement and upon such application the court may make such order, or such other order as the court thinks fit. 1971, c. 27, s. 10, *amended*.

14.—(1) Where a corporation has failed to file a notice or register a name or style as required by this Act, the corporation is not capable of maintaining any action or other proceeding in any court in Ontario in respect of any contract made by the corporation. Disability to sue when in default

(2) Where a notice is filed or a name or style is registered, as the case may be, after an action or proceeding is commenced by the corporation, the action or proceeding may be continued as if a notice had been filed or the name or style had been registered in accordance with this Act prior to the institution of the action or proceeding. *New.* Subsequent filing

15. The Minister may issue a certificate certifying, Certificate of Minister

- (a) as to the registration or non-registration of a name or style under section 2;
- (b) as to the filing or non-filing of any document or material required or permitted to be filed under this Act;
- (c) as to the time when the facts upon which proceedings are based first came to the knowledge of the Minister; or
- (d) that a person named in the certificate on the date or during the period specified in the certificate is shown on the records of the Ministry as a director, officer, manager or attorney for service of the corporation named in the certificate. 1971, c. 27, s. 11.

16.—(1) Where this Act requires or authorizes the Minister to issue a certificate or certify any fact, the certificate shall be issued under the seal of the Minister and shall be signed by him or by such officer of the Ministry as is designated by the regulations. Execution of certificate of Minister

(2) Any certificate purporting to be under the seal of the Minister and signed by a person authorized by or under subsection 1, or any certified copy, shall be received in evidence in any action, prosecution or other proceedings as Certificates as evidence

prima facie proof of the facts so certified without personal appearance to prove the seal, the signature or the official position of the person appearing to have signed the certificate. 1971, c. 27, s. 11, *amended*.

Duty of
Minister

17. The Minister may accept the information contained in any notice filed under this Act without making any inquiry as to its completeness or accuracy. *New*.

Regulations

18. The Lieutenant Governor in Council may make regulations,

- (a) exempting any class or classes of corporations from filing notices under section 3 or 4;
- (b) providing for the registration of names and styles under section 2 and for the renewal thereof;
- (c) requiring the payment of fees upon the performance of any official function under this Act and prescribing the amounts thereof;
- (d) designating officers of the Ministry who may sign certificates for the purposes of section 16;
- (e) respecting the form, period of retention, and destruction of any document required to be filed under this Act or a predecessor thereof. 1971, c. 27, s. 17; 1972, c. 139, s. 2, *amended*.

1971, c. 27,
1972, c. 139,
1972, c. 1, s. 37,
repealed

19. *The Corporations Information Act, 1971*, being chapter 27, *The Corporations Information Amendment Act, 1972*, being chapter 139 and section 37 of *The Government Reorganization Act, 1972*, being chapter 1, are repealed.

Commence-
ment

20.—(1) This Act, except subsection 4 of section 2, comes into force on the day it receives Royal Assent.

Idem

(2) Subsection 4 of section 2 comes into force on the 1st day of July, 1977.

Short title

21. This Act may be cited as *The Corporations Information Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec. 7 1976

ASSEMBLY PROROGUED

December 16 1976

For Clerk

CLERK
LEGISLATIVE ASSEMBLY

The Corporations Information Act, 1976

1st Reading

October 26th, 1976

2nd Reading

November 2nd, 1976

3rd Reading

November 10th, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

BILL 137

Pauline G. Ly. G. L. H.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Business Corporations Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

An Act to amend The Business Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 251 of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1971, chapter 26, section 40 and 1972, chapter 138, section 58, is repealed and the following substituted therefor: s. 251,
re-enacted

251.—(1) Where the Minister is notified by the Minister of Revenue that a corporation is in default in complying with the provisions of *The Corporations Tax Act*, 1972, the Minister may give notice by registered mail to the corporation or by publication once in *The Ontario Gazette* that an order dissolving the corporation will be issued unless the corporation remedies its default within ninety days after the giving of the notice. Notice of
dissolution
1972, c. 143

(2) Where the Minister is notified by the Commission that a corporation has not complied with section 134 of *The Securities Act*, the Minister may give notice by registered mail to the corporation or by publication once in *The Ontario Gazette* that an order dissolving the corporation will be issued unless the corporation complies with section 134 of *The Securities Act* within ninety days after the giving of the notice. Idem
R.S.O. 1970,
c. 426

(3) Upon default in compliance with the notice given under subsection 1 or 2, the Minister may by order cancel the certificate of incorporation and, subject to subsection 4, the corporation is dissolved on the date fixed in the order. Order for
dissolution

(4) Where a corporation is dissolved under subsection 3 or any predecessor thereof, the Minister, on the application of any interested person immediately before the dissolution, made within two years after the date of dissolution, may in Revival

his discretion by order, on such terms and conditions as he sees fit to impose, revive the corporation and thereupon the corporation, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, is restored to its legal position, including all its property, rights, privileges and franchises, and is subject to all its liabilities, contracts, disabilities and debts, as of the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

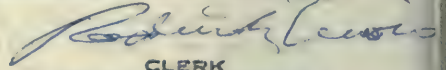
3. This Act may be cited as *The Business Corporations Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec. 7 19 76

ASSEMBLY PROROGUED

December 16 19 76



CLERK
LEGISLATIVE ASSEMBLY



An Act to amend
The Business Corporations Act

1st Reading

October 26th, 1976

2nd Reading

November 2nd, 1976

3rd Reading

November 10th, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

Pauline G. L. L.
BILL 138

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Corporations Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

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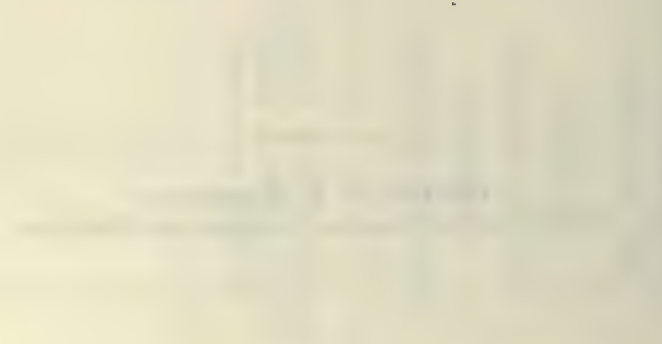
THE UNIVERSITY OF CHICAGO

DEPARTMENT OF THE HISTORY OF ARTS

RECEIVED

1955

THE UNIVERSITY OF CHICAGO



THE UNIVERSITY OF CHICAGO

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 9 and 10 of section 347 of *The Corporations Act*, s. 347 (9, 10),
being chapter 89 of the Revised Statutes of Ontario, 1970, re-enacted
are repealed and the following substituted therefor:

(9) Where it appears that a corporation is in default of filing with the Minister a notice required under section 5 of *The Corporations Information Act*, 1976 and that notice of such default has been sent by registered mail to the corporation or has been published once in *The Ontario Gazette*, the Lieutenant Governor may by order, after 180 days after the notice has been sent or published, Order for
dissolution
1976, c. ...

- (a) cancel the letters patent of the corporation and declare it to be dissolved on such date as the order may fix; or
- (b) declare the corporate existence of the corporation, if it was incorporated otherwise than by letters patent, to be terminated and the corporation to be dissolved on such date as the order may fix.

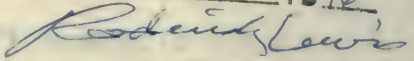
(10) Where a corporation has been dissolved under sub- Revival
section 9 or any predecessor thereof, the Lieutenant Governor, on the application of any interested person made within two years after the date of dissolution, may in his discretion by order, on such terms and conditions as he sees fit to impose, revive the corporation, and thereupon the corporation shall, subject to the terms and conditions of the order and to any rights acquired by any person after its dissolution, be restored to its legal position, including all its property, rights, privileges and franchises, and be subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Corporations Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 7 1976
 ASSEMBLY PROROGUED December 16 1976

 CLERK
 LEGISLATIVE ASSEMBLY







An Act to amend
The Corporations Act

1st Reading

October 26th, 1976

2nd Reading

November 2nd, 1976

3rd Reading

November 10th, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

BILL 139

Bill 139, amending the Employees' Health and Safety Act

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act respecting
Employees' Health and Safety**

THE HON. B. STEPHENSON
Minister of Labour

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

مجلس شورای ملی

شماره ۱۰۰

مجلس شورای ملی

مجلس شورای ملی

BILL 139

1976

An Act respecting Employees' Health and Safety

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, Interpre-
tation
 - (a) "committee" means a joint health and safety committee;
 - (b) "employer" includes a manager as defined in Part IX of *The Mining Act*; R.S.O. 1970,
c. 274
 - (c) "engineer" means an engineer as defined in Part IX of *The Mining Act*;
 - (d) "health and safety representative" means a health and safety representative selected by employees he represents or by the trade union or trade unions representing such employees;
 - (e) "inspector" means an inspector as defined in *The Industrial Safety Act, 1971*, c. 43 1971, c. 43 or *The Construction Safety Act, 1973*, c. 47 1973, c. 47 as the case may be;
 - (f) "Minister" means the Minister of Labour;
 - (g) "trade union" means a trade union as defined in *The Labour Relations Act* that has the status of exclusive bargaining agent under that Act in respect of any bargaining unit or units in any work place or any part or parts thereof; R.S.O. 1970,
c. 232
 - (h) "work place" means,
 - (i) an industrial establishment as defined in *The Industrial Safety Act, 1971*,

1973, c. 47

(ii) a project as defined in *The Construction Safety Act, 1973*, andR.S.O. 1970,
c. 274(iii) a mine and a plant as defined in Part IX of *The Mining Act*.Employee
may refuse
to work, etc.

1971, c. 43

1973, c. 47

R.S.O. 1970,
c. 274

2. Where an employee in a work place has reasonable cause to believe that a machine, device or thing is unsafe to use or operate because its use or operation is likely to endanger himself or another employee or a place in or about a work place is unsafe for him to work in, or the machine, device, thing or place is in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973* or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be, the employee may refuse to use or operate the machine, device or thing, or work in the place.

Employee
to report
to employer

3.—(1) Where an employee in a work place refuses to use or operate a machine, device or thing or refuses to work in a place therein because he has reasonable cause to believe that the machine, device or thing is unsafe to use or operate because its use or operation is likely to endanger himself or another employee or the place is unsafe for him to work in, or the machine, device, thing or place is in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973*, or Part IX of *The Mining Act* or any regulations thereunder, as the case may be, he shall forthwith report the circumstances of the matter to his employer or the person having control and direction over him who shall forthwith investigate the report in the presence of the employee and, if there is such, in the presence of either a health and safety representative, a committee member who represents employees, or a person authorized by the trade union that represents the employee.

Employee
may continue
to refuse to
work, etc.

(2) Where the employer or the person having control and direction over the employee disputes the report or takes steps to make the machine, device, thing or place safe or comply with *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973*, or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be, and the employee has reasonable cause to believe that the machine, device or thing is or continues to be unsafe to use or operate because its use or operation is likely to endanger himself or another employee or the place is or continues to be unsafe for him to work in or the machine, device, thing or place is or continues to be in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973*, or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be, he may continue to refuse to use or

operate the machine, device or thing, or work in the place unless a collective agreement binding the employee expressly provides otherwise.

(3) Where the employee continues to refuse to use or operate the machine, device or thing, or work in the place or having returned to work in compliance with the express provisions of a collective agreement binding the employee files a grievance concerning his right to continue to refuse to use or operate the machine, device or thing or work in the place, the employer or person having control and direction over the employee shall notify an appropriate inspector or an engineer, as the case may be, who shall investigate the matter in the presence of the employer or the person having control and direction over the employee, the employee and, if there is such, either a health and safety representative, a committee member who represents employees or a person authorized by the trade union that represents the employee.

Investigation
by inspector
or engineer

(4) The inspector or engineer shall, following his investigation, make a decision whether the machine, device or thing is unsafe for the employee to use or operate or the place is unsafe for the employee to work in or the machine, device, thing or place is in contravention of *The Industrial Safety Act, 1971*, *The Construction Safety Act, 1973* or Part IX of *The Mining Act*, or any regulations thereunder, as the case may be.

Decision
by inspector
or engineer

1971, c. 43

1973, c. 47

R.S.O. 1970,
c. 274

4.—(1) The Minister may, by order in writing, require an employer to establish a joint health and safety committee or committees for a work place, or any part or parts thereof, and, in the order, may provide for the qualifications and the term of office of its members and its practice and procedures, and, from time to time, may give such directions as the Minister considers advisable concerning its functions.

Minister
may make
order

(2) In exercising the power conferred by subsection 1, the Minister shall consider,

What
Minister
shall consider

- (a) the nature of the work being done;
- (b) the number of employees engaged in the work;
- (c) the request of a group of the employees or the trade union or trade unions representing the employees in a work place;
- (d) the frequency of injury in doing work of that nature in the industry of which the employer is a part;

(e) the existence of health and safety programs and procedures in the work place and the effectiveness thereof; and

(f) such other matters as the Minister considers advisable.

Composition
of committee

(3) A committee shall consist of such number of persons as the Minister may prescribe, of whom half shall be employees who do not exercise managerial functions, to be selected by the employees they are to represent or, where there is a trade union or trade unions representing such employees, by the trade union or trade unions.

Powers of
committee

(4) It is the function of a committee and it has power to,

(a) identify situations that may be a source of danger or hazard to employees;

(b) make recommendations to the employer and employees for the improvement of the health and safety of employees;

(c) recommend the establishment, maintenance and monitoring of programs, measures and procedures respecting the health and safety of employees;

(d) obtain information from the employer or other persons respecting,

(i) the identification of potential or existing hazards of materials, processes or equipment, and

(ii) health and safety experience and work practices and standards in the same or similar industries;

(e) maintain and keep minutes and records of its proceedings and it shall make the same available for examination and review by an inspector or engineer.

Posting of
names and
work
locations

(5) An employer shall post and keep posted the names and work locations of the committee members in a conspicuous place or places where they are most likely to come to the attention of his employees.

Meetings
of committee

(6) A committee shall meet during working hours at least four times a year and not more often than once a

month and may be required to meet by order of the Minister.

(7) A member of a committee is entitled to such time from his work as is necessary to attend meetings of the committee without deduction of the time so spent from his work time and without deduction from his wages for time so spent. Entitlement to time from work

5.—(1) The Minister may, by order in writing, require an employer to cause the selection of one or more health and safety representatives for a work place, or any part or parts thereof, from among the employees employed at the work place who do not exercise managerial functions, and may from time to time give such directions as the Minister considers advisable concerning the functions of a health and safety representative. Minister may make order

(2) The selection of a health and safety representative shall be made by the employees who do not exercise managerial functions whom the health and safety representative is to represent or, where there is a trade union or trade unions representing such employees, by the trade union or trade unions. Selection of representative

(3) A health and safety representative may inspect the work place not more often than once a month or at such intervals as an inspector or engineer, as the case may be, may direct, and it is the duty of the employer and the employees to afford the health and safety representative such information and assistance as may be required for the purpose of carrying out the inspection. Powers of representative

(4) A health and safety representative has power to identify situations that may be a source of danger or hazard to employees and to make recommendations or report his findings to the employer, employees, a trade union or trade unions representing employees and a joint health and safety committee, if any, for the improvement of the health and safety of workers. Idem

(5) Where an accident occurs at a work place that causes serious injury or death to a person therein or thereat, a notice in writing of the occurrence shall be given forthwith by the employer to the health and safety representative, if any, and, the health and safety representative may inspect the place where the accident occurred and any machine, device or thing, and report his findings to the committee, if any, but nothing in this subsection affects the Notice of accident, inspection by representative

1971, c. 43
1973, c. 47
R.S.O. 1970,
c. 274

duties and responsibilities of an employer under sections 33, 34 and 35 of *The Industrial Safety Act, 1971*, sections 25 and 30 of *The Construction Safety Act, 1973*, and sections 612 and 613 of *The Mining Act*.

Entitlement
to time
from work

(6) A health and safety representative is entitled to take such time from his work as is necessary to carry out his duties under subsections 3 and 5 without deduction of time so spent from his work time and without deduction from his wages for time so spent.

Opportunity
to accompany
inspector or
engineer

6.—(1) Where an inspector exercises the powers conferred upon him under clause *a* of subsection 1 of section 8 of *The Industrial Safety Act, 1971*, or clause *a* of subsection 1 of section 6 of *The Construction Safety Act, 1973*, or an engineer exercises the powers conferred upon him under clause *b* of subsection 1 of section 618 of *The Mining Act*, the employer shall afford to a health and safety representative, if any, an employee authorized by a trade union or trade unions, if any, to represent it or them and, where there is no trade union an employee authorized by the employees to represent them, the opportunity to accompany the inspector or engineer during his physical inspection of a work place, or any part or parts thereof.

Consultation
with
employees

(2) Where there is no health and safety representative or authorized representative, the inspector or engineer shall endeavour to consult during his physical inspection with a reasonable number of the employees concerning matters of health and safety at their work.

Time deemed
to be
work time

(3) The time spent by a health and safety representative or an authorized representative in accompanying an inspector or engineer during his physical inspection shall be deemed to be work time.

Posting of
copies of
direction,
order
or report

7. Where an inspector gives a direction in writing under section 10 of *The Industrial Safety Act, 1971* or an order in writing under section 11 of *The Construction Safety Act, 1973* or an engineer gives a notice in writing under clause *a* of subsection 1 of section 618 of *The Mining Act* or an inspector or engineer issues a report of his inspection to an employer, the employer shall forthwith cause a copy or copies thereof to be posted in a conspicuous place or places where it is most likely to come to the attention of the employees and shall furnish a copy of such direction, order, notice or report to the health and safety representative and the committee, if any, and the inspector or engineer shall cause a copy thereof to be furnished to a person who has complained of a contravention of *The Industrial Safety Act, 1971*,

The Construction Safety Act, 1973 or Part IX of *The Mining Act*, or any regulations thereunder. 1973, c. 47
R.S.O. 1970,
c. 274

8.—(1) The Workmen's Compensation Board, upon the request of an employee or a trade union, shall send to the appropriate employer an annual summary of data relating to the employer in respect of the number of work accident fatalities, the number of lost workday cases, the number of lost workdays, the number of non-fatal cases that required medical aid without lost workdays, the number of occupational illnesses, the number of occupational injuries, and such other data as the Board may consider necessary or advisable. Summary
to be
furnished

(2) Upon receipt of the annual summary, the employer shall forthwith deliver a copy thereof to the committee, if any, and to the trade union or trade unions representing the employee, and, where there is no trade union, shall cause a copy thereof to be posted in a conspicuous place or places where it is most likely to come to the attention of the employees. Delivery
and posting
of copy of
summary

9.—(1) No employer or person acting on behalf of an employer shall, No
discipline,
dismissal,
etc., by
employer

(a) dismiss or threaten to dismiss an employee;

(b) discipline or suspend or threaten to discipline or suspend an employee;

(c) impose any penalty upon an employee; or

(d) intimidate or coerce an employee,

because the employee has acted in compliance with this Act.

(2) Where an employee complains that an employer has contravened subsection 1, the employee may either have the matter dealt with by final and binding settlement by arbitration under a collective agreement, if any, or file a complaint with the Ontario Labour Relations Board in which case any regulations governing the practice and procedure of the Board apply *mutatis mutandis* to the complaint. Employee
may file
complaint
or have
matter
arbitrated

(3) The Ontario Labour Relations Board may inquire into any complaint filed under subsection 2, and section 79 of *The Labour Relations Act*, except subsection 4a, applies *mutatis mutandis* as if such section, except subsection 4a, were enacted in and forms part of this Act. Inquiry into
complaint

R.S.O. 1970,
c. 232

Application
of R.S.O.
1970, c. 232

(4) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, sections 91, 92, 95, 97 and 98 of *The Labour Relations Act* apply *mutatis mutandis*.

Burden
of proof

(5) On an inquiry by the Ontario Labour Relations Board into a complaint filed under subsection 2, the burden of proof that an employer or person acting on behalf of an employer did not act contrary to subsection 1 lies upon the employer or person acting on behalf of the employer.

Offence

10. Every employer who fails to comply with an order made under subsection 1 of section 4 or subsection 1 of section 5 or fails to comply with a provision of this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$10,000, or to imprisonment for a term of not more than twelve months, or to both.

Act
prevails

11. Where there is a conflict between the provisions of this Act and the provisions of any general or special Act, the provisions of this Act prevail.

Assignment
and transfer
to Minister
R.S.O. 1970,
c. 274

12.—(1) The administration of Part IX of *The Mining Act*, except section 616, is assigned and transferred to the Minister of Labour and a reference in that Part, except in section 616, to the Minister, the Deputy Minister or the Ministry shall be deemed to be a reference to the Minister of Labour, the Deputy Minister of Labour or the Ministry of Labour, as the case may be.

Reference
to Deputy
Minister

(2) The reference in subsection 3 of section 632 of *The Mining Act* to the Deputy Minister shall be deemed to be a reference to the Deputy Minister of Labour.

Assignment
and transfer
to Minister
R.S.O. 1970,
c. 438

13. The administration of *The Silicosis Act* is assigned and transferred to the Minister of Labour and a reference in that Act and the regulations thereunder to the Director or to the Minister shall be deemed to be a reference to the Chief of the Industrial Chest Disease Service of the Ministry of Labour or to the Minister of Labour, as the case may be.

Commence-
ment

14.—(1) This Act, except section 8, comes into force on the day it receives Royal Assent.

Idem

(2) Section 8 comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

15. This Act may be cited as *The Employees' Health and Safety Act, 1976*. TENTANT-GOVERNOR Dec 16 19 76

ASSEMBLY PROROGUED December 16 19 76

An Act respecting
Employees' Health and Safety

1st Reading

October 26th, 1976

2nd Reading

November 18th, 1976

3rd Reading

December 13th, 1976

THE HON. B. STEPHENSON
Minister of Labour

BILL 149

Pauline L. L. L.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Municipal Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 227 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 124, section 2, is repealed and the following substituted therefor: s. 227 (1),
re-enacted

(1) The council of every municipality shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable by the council for cause, and every person so appointed shall, in addition to his duties in respect of the corporation, audit the accounts and transactions of every local board as defined in *The Municipal Affairs Act*, except school boards established under Part III or Part IV of *The Education Act*, 1974, or under Part VIII of *The Regional Municipality of Ottawa Carleton Act*, or under Part VIII of *The Municipality of Metropolitan Toronto Act*. Appointment
of auditors

R.S.O. 1970,
cc. 118, 295, 407
1974, c. 109

2. The said Act is amended by adding thereto the following section: s. 242a,
enacted

242a. Where the council of any municipality passes a comprehensive general by-law dealing with all or any of such matters within its jurisdiction as the council considers desirable to include therein (which by-law may be known as "The [name of municipality] Municipal Code") and such by-law consolidates and includes therein the provisions of any by-law previously passed by the council, Municipal
Code

- (a) the provisions in the comprehensive general by-law shall be deemed to have come into force on the day the original by-law came into force; and

- (b) any condition precedent or subsequent or the approval of any authority external to the council required by law before the original by-law came into force shall, where such condition was satisfied or approval obtained in respect of the original by-law, be deemed to have been satisfied or obtained in respect of the corresponding provision in the comprehensive general by-law in all respects as though the condition had been satisfied or the approval obtained in respect of that provision in the comprehensive general by-law.

s. 288 (1) (b, c),
re-enacted

3. Clauses *b* and *c* of subsection 1 of section 288 of the said Act are repealed and the following substituted therefor:

(b) if the debt is for the establishment of a system of public scavenging or for the collection and disposal of ashes, refuse and garbage, in twenty years;

(c) if the debt is for the purchase of roadmaking machinery and appliances, in ten years.

s. 293 (3) (g),
re-enacted

4. Clause *g* of subsection 3 of section 293 of the said Act is repealed and the following substituted therefor:

(g) by the council of an urban municipality for providing such sum as may be required for the purchase of a site in the municipality for an armoury or drillshed for any militia or volunteer corps having its headquarters in the municipality; or

s. 296 (1),
re-enacted

- 5.—(1) Subsection 1 of section 296 of the said Act is repealed and the following substituted therefor:

When rate
of interest
may be
varied

(1) If the council of a municipality is of the opinion that the current rate of interest so differs from the rate of interest payable on any municipal debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the council may, without the assent of the electors, pass a by-law to amend such by-law so as to provide for,

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special assessments and levies;
- (c) such other changes in the by-law or any other by-law as to the council may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

- (2) The said section 296 is amended by adding thereto the following subsections: s. 296,
amended

(1a) Notwithstanding subsection 1, the council of a municipality having a population of less than 20,000 as determined under *The Ontario Unconditional Grants Act, 1975*, shall not pass a by-law under the provisions of subsection 1 until the approval of the Municipal Board has first been obtained. Where
Municipal
Board
approval
required
1975, c. 7

(1b) Notwithstanding subsection 1, the council of a municipality shall not pass a by-law under the provisions of subsection 1 until the approval of the Municipal Board has first been obtained where the by-law represents an increase of more than one-half of 1 per cent in terms of net borrowing cost on any municipal debentures that remain unsold or undisposed of. Idem

- 6.—(1) Subsection 1 of section 306 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 7, is repealed and the following substituted therefor: s. 306 (1),
re-enacted

(1) The council of a local municipality may by by-law assess and levy a special rate not exceeding one-half of one mill upon the ratepayers of the local municipality who are entered on the assessment roll in respect of land assessed as farm land as the annual membership fees of such persons in the Federation of Agriculture. Federation
of
Agriculture,
special rate

- (2) Subsection 2 of the said section 306, as amended by the Statutes of Ontario, 1972, chapter 124, section 7, is repealed. s. 306 (2),
repealed

s. 306 (3),
re-enacted

(3) Subsection 3 of the said section 306 is repealed and the following substituted therefor:

By-law
remains in
force until
repealed

(3) A by-law passed under subsection 1 remains in force until amended or repealed, and it is not necessary to pass such by-law annually.

s. 308 (1),
re-enacted

7.—(1) Subsection 1 of section 308 of the said Act is repealed and the following substituted therefor:

Reserve
funds
R.S.O. 1970,
c. 118

(1) Every municipality as defined in *The Municipal Affairs Act* and every board, commission, body or local authority established or exercising any power or authority with respect to municipal affairs under any general or special Act in an unorganized township or in unsurveyed territory may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds, provided that, where the approval of the council is required by law for a capital expenditure or the issue of debentures of or on behalf of a local board, the approval of the council of a provision in the estimates of the local board for a reserve fund shall be obtained.

s. 308 (4),
re-enacted

(2) Subsection 4 of the said section 308, as amended by the Statutes of Ontario, 1974, chapter 136, section 10, is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(4) The council may by by-law provide that the moneys raised for a reserve fund established under subsection 1 may be expended, pledged or applied to a purpose other than that for which the fund was established.

s. 339 (4),
re-enacted

8. Subsection 4 of section 339 of the said Act is repealed and the following substituted therefor:

By-law not
to be
repealed
except with
leave of
Municipal
Board

(4) The by-law shall be binding upon the corporation and shall not be repealed or altered except with leave of the Municipal Board, such leave to be granted the corporation only for exceptional reasons not apparent or existing when the by-law was passed and after hearing the owners of the lands proposed to be taken and on such terms as the Board may determine in regard to the revesting of the land taken and the payment to each owner of the damages, if any, sustained by him in consequence of the passing of the by-law or of so much of the by-law as is proposed to be altered and his costs.

- 9.—(1) Clause *f* of paragraph 72 of section 352 of the said Act is repealed and the following substituted therefor: s. 352,
par. 72 (f),
re-enacted

(*f*) Such reserve fund shall be applied, Idem

(i) firstly, for the payment of interest and principal falling due in each year in respect of any debentures issued for the purposes of this paragraph, and

(ii) secondly, for the acquisition, establishment, laying out or improvement of additional parking lots or facilities, and

(iii) thirdly, for such other purposes as the council may approve.

- (2) Clause *a* of paragraph 73 of the said section 352 is repealed and the following substituted therefor: s. 352,
par. 73 (a),
re-enacted

(*a*) A parking authority established under this paragraph is a body corporate and shall consist of three members appointed by the council of the municipality, each of whom shall be a person qualified to be elected as a member of the council of the municipality, and the members so appointed shall hold office until the expiration of the term of the council that appointed them and until their successors are appointed. Incorporation
and members

- (3) Clause *b* of paragraph 73 of the said section 352 is repealed. s. 352,
par. 73 (b),
repealed

- (4) Any person holding office as the member of a parking authority established under paragraph 73 of section 352 of *The Municipal Act*, or any predecessor thereof, at the date this section comes into force shall continue to hold office until the 1st day of January, 1977, and until his successor is appointed pursuant to clause *a* of paragraph 73 of the said section 352, as re-enacted by subsection 2 of this section. Term of
members
presently
in office
R.S.O. 1970,
c. 284

- (5) Clause *c* of paragraph 74 of the said section 352 is repealed and the following substituted therefor: s. 352,
par. 74 (c),
re-enacted

(*c*) Any such building may be established and equipped as a home or clubhouse for such persons or any class thereof or may be used for such purposes as the council considers proper.

s. 354 (1)
pars. 1, 2,
re-enacted,
par. 3
repealed

10.—(1) Paragraphs 1, 2 and 3 of subsection 1 of section 354 of the said Act are repealed and the following substituted therefor:

Prohibiting
or regulating
keeping of
animals

1. For prohibiting or regulating the keeping of animals, or any class thereof, and for restricting the number of animals or any class thereof that may be kept by any person within the municipality or defined areas thereof.

(a) In this paragraph and paragraphs 2, 4, 5, 6 and 7, "animal" includes birds and reptiles.

Regulating
animal
breeding or
boarding
estab-
lishments

2. For regulating establishments for the breeding or boarding of animals, or any class thereof, within the municipality or defined areas thereof.

s. 354 (1)
par. 5,
re-enacted

(2) Paragraph 5 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Animals
being at
large or
trespassing

5. For prohibiting or regulating within any part of the municipality or within any defined area thereof, or upon any defined highways therein, the being at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time or if the damages, fines and expenses are not paid according to law.

s. 354 (1)
par. 49,
re-enacted

(3) Paragraph 49 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Power to
buy and
sell fuel
and food

49. With the approval of the Municipal Board and within the limitations and restrictions and under the conditions prescribed by order of the Board:

- i. For buying and storing fuel and such articles of food as may be designated by order of the Board and for selling them to dealers and residents of the municipality.
- ii. For acquiring land, erecting buildings, establishing, conducting and maintaining depots, stores, warehouses and yards and purchasing machinery, plant, appliances and equipment necessary for such purposes.
- iii. For appointing officers, clerks and servants to manage and conduct such businesses.

- iv. For making rules and regulations and doing all such other acts and things as may be necessary for the full and proper carrying out of such powers.
- v. For borrowing from time to time by the issue of debentures payable in not more than ten years from the date of issue the money necessary for such purposes.

(a) The by-law need not be assented to by the electors.

(b) After the by-law has been approved by the Municipal Board, it shall also be approved by the Lieutenant Governor in Council and may then be finally passed by the council.

(4) Clause *d* of paragraph 50 of subsection 1 of the said section 354, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 10, is repealed. s. 354 (1)
par. 50 (d),
repealed

(5) Clause *b* of paragraph 53 of subsection 1 of the said section 354 is repealed and the following substituted therefor: s. 354 (1)
par. 53 (b),
re-enacted

(b) No such by-law requires the assent of the electors. Assent of
electors not
required

(6) Paragraph 86 of subsection 1 of the said section 354 is repealed. s. 354 (1)
par. 86,
repealed

(7) Paragraph 87 of subsection 1 of the said section 354, as amended by the Statutes of Ontario, 1974, chapter 136, section 15, is repealed and the following substituted therefor: s. 354 (1)
par. 87,
re-enacted

87. For licensing trailers located in the municipality, except in a trailer camp operated or licensed by the municipality, for thirty days or longer in any year and for prohibiting such trailers being located in the municipality, except in a trailer camp operated or licensed by the municipality, without a licence therefor. Licensing
of trailers

(a) In this paragraph, "trailer" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the Interpre-
tation

living, sleeping or eating accommodation of persons, notwithstanding that such vehicle is jacked-up or that its running gear is removed.

Application
of by-law

- (b) No by-law passed under this paragraph applies to a trailer when located in the municipality only for the purpose of sale or storage.

Licence
fees

- (c) Licence fees may be charged for every month or portion of a month that the trailer is located in the municipality and the licence fees, except for the first thirty days, may be made payable in advance, but no licence fee shall be more than \$20 per month.

Application
of
R.S.O. 1970,
c. 32

- (d) No license fee shall be charged in respect of a trailer assessed under *The Assessment Act*.

s. 354 (1)
par. 96,
re-enacted

- (8) Paragraph 96 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Encroach-
ment on
highway for
refacing

96. For permitting existing buildings to encroach or further encroach upon a highway to such extent as may be necessary to provide for refacing any such building.

s. 354 (1)
par. 97 (a),
re-enacted

- (9) Clause *a* of paragraph 97 of subsection 1 of the said section 354 is repealed and the following substituted therefor:

Proceedings
for changing
names of
streets

- (a) A by-law for changing the name of a highway does not have any force or effect until a copy of it certified under the hand of the clerk and the seal of the corporation has been registered in the proper land registry office.

s. 361 (6),
re-enacted

- 11.—(1) Subsection 6 of section 361 of the said Act, as amended by the Statutes of Ontario, 1972, chapter 124, section 11, is repealed and the following substituted therefor:

Board of
Management

- (6) A Board of Management established under subsection 1 is a body corporate and shall consist of such number of members appointed by council as the council considers advisable, at least one of whom shall be a member of the council and the remaining members shall be persons qualified to be elected as members of the council assessed for business assessment in respect of land in the area or

nominees of corporations so assessed, provided that such nominees are persons qualified to be elected as members of the council.

- (2) Subsection 7 of the said section 361 is repealed and the following substituted therefor: s. 361 (7),
re-enacted

(7) Each member shall hold office from the time of his appointment until the expiration of the term of the council that appointed him, provided he continues to be qualified, as provided in subsection 6. Term of
office

- (3) Any person holding office as a member of a Board of Management established under section 361 of *The Municipal Act* at the date this subsection comes into force shall continue to hold office until the 1st day of January, 1977, and until his successor is appointed pursuant to subsection 6 of the said section 361, as re-enacted by subsection 1 of this section. Term of
members
presently
in office
R.S.O. 1970,
c. 284

12. Subsection 18 of section 362 of the said Act is repealed and the following substituted therefor: s. 362 (18),
re-enacted

(18) The council of a local municipality for the purposes of subsection 16 may by by-law establish a sewage service rate structure upon which sewage service rates shall be based and calculated and, in establishing the rate structure, the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just, and where the sewage service rate is based on the water rate it shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*. Sewage
service rate
structure

R.S.O. 1970,
c. 32

13. Paragraph 4 of section 368 of the said Act is repealed and the following substituted therefor: s. 368
par. 4,
re-enacted

4. For purchasing and installing apparatus, appliances and equipment for a police signal system at a cost not exceeding \$20,000 in the case of a city and \$10,000 in the case of a town, and for the issue of debentures therefor, payable in equal annual instalments of principal and interest during a period not exceeding ten years. Police
signal
system

- (a) It is not necessary to obtain the assent of the electors to a by-law passed under this paragraph.

s. 373
par. 4,
re-enacted

14. Paragraph 4 of section 373 of the said Act is repealed and the following substituted therefor:

Establish-
ment of
county farms

4. For acquiring lands in the county and erecting thereon farm and other buildings and for establishing, developing, improving, equipping, operating and maintaining such lands and buildings as a county farm for educational, experimental and other purposes in the promotion and advancement of agriculture in all its branches, and for the issue of debentures therefor, other than for the expenses of operation and maintenance.

(a) It is not necessary to obtain the assent of the electors to a by-law passed under this paragraph.

(b) A county council that has established a county farm under this paragraph may enter into agreements with the Minister of Agriculture and Food for its development, improvement and equipment and for its operation and maintenance by or in conjunction with the Ministry of Agriculture and Food for such periods and upon such terms and conditions as from time to time may be agreed.

s. 383
par. 15,
re-enacted

15. Paragraph 15 of section 383 of the said Act, as amended by the Statutes of Ontario, 1971, chapter 81, section 4, 1972, chapter 124, section 14, and 1974, chapter 136, section 19, is repealed and the following substituted therefor:

Tourist
and trailer
camps

15. For licensing, regulating and governing tourist camps, trailer camps and motels.

Interpre-
tation

(a) In this paragraph,

i. "tourist camp" includes auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; and

ii. "trailer camp" means land in or upon which any vehicle, so constructed that

it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked-up or that its running gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.

(b) Any by-law passed under this paragraph, may, among other things,

- i. require trailer camps to be divided into lots, each to be made available for the occupancy of one trailer,
- ii. provide for the issue of licences for a period of one month or longer to the owner of a trailer camp for each such lot to be made available by such owner for the occupancy of a trailer during the currency of a licence and prohibit the use of any lots for the occupancy of trailers without a licence therefor,
- iii. require a licence fee of not more than \$20 per month payable by the owner of a trailer camp for each such lot and require fees to be paid in advance, except that where a lot is to be made available only for temporary occupancy by persons who continue to maintain elsewhere a usual or normal place of residence or for occupancy by a trailer that is assessed under *The Assessment Act*, no licence fee shall be charged.

R.S.O. 1970,
c. 32

16. Section 431 of the said Act is repealed and the following substituted therefor:

s. 431,
re-enacted

431. The corporation of a city or town in which an iron, steel or concrete bridge is constructed may pass a by-law authorizing the issue of and may issue debentures to pay the cost of reflooring the bridge, for any term not exceeding ten years and at such rate of interest as the council may determine, provided that such by-law is approved by the Municipal Board.

Issue of
debentures
for
reflooring
bridge

s. 521a,
enacted

17. The said Act is further amended by adding thereto the following section:

By-law
may
authorize
two separate
tax notices

521a.—(1) Notwithstanding section 521, in cities, towns, villages and townships, the council may by by-law authorize the preparation and giving of two separate notices, one notice specifying the amount of taxes payable for all purposes except school purposes and one notice specifying the amount of taxes payable for school purposes, and where a by-law has been passed under this subsection, the collector shall give the notices prepared in accordance with this section and shall not give a notice prepared in accordance with section 521.

Contents of
notices

(2) Where a council has passed a by-law under subsection 1, each notice prepared pursuant to such by-law shall have written or printed thereon or attached thereto a schedule specifying the rate or rates, as the case may be, and the total thereof used in calculating the taxes referred to in the notice and also containing any information required to be entered in the collector's roll under section 516 that pertains to the taxes referred to in the notice.

Idem

(3) A notice prepared pursuant to a by-law under subsection 1 that specifies the amount of taxes payable for school purposes shall clearly indicate the tax imposed for public, secondary and separate school purposes.

Application
of s. 521 (1, 2)
and s. 522

(4) The provisions of subsections 1 and 2 of section 521, relating to the manner of delivering or mailing of the notice, and section 522 apply *mutatis mutandis* to a notice prepared pursuant to a by-law passed under this section, and such notice shall be deemed for all purposes to be a notice given under section 521.

s. 527 (3),
re-enacted

18. Subsection 3 of section 527 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 51, section 15, is repealed and the following substituted therefor:

Penalty
for non-
payment of
taxes

(3) The council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding 1 per cent on the first day of default and on the first day of each calendar month thereafter in which default continues, but not after the end of the year in which the taxes are levied.

Idem

(4) As an alternative to a by-law passed under subsection 3, the council may by by-law impose a percentage charge as a penalty for non-payment of taxes or any class or instalment thereof not exceeding 12 per cent per annum, or such lower

rate as the council determines, from the date payment is due until it is made or until the 31st day of December of the year in which the taxes were levied, whichever is earlier.

19. Subsection 1 of section 553 of the said Act, as re-enacted ^{s. 553 (1), re-enacted} by the Statutes of Ontario, 1976, chapter 51, section 16, is repealed and the following substituted therefor:

(1) Notwithstanding any special Act, but subject to ^{Interest on tax arrears} subsection 2, the treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of one-half of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes were levied until the taxes are paid, provided that the council by by-law may increase such rate to a rate not exceeding 1 per cent per month.

(2) Notwithstanding subsection 1 or any special Act, ^{Idem} the council of a local municipality may, by by-law, require that the treasurer, collector or county treasurer, as the case may be, add to the amount of all taxes due and unpaid interest at such rate not exceeding 12 per cent per annum as the council determines, from the 31st day of December in the year in which the taxes were levied until the taxes are paid.

(2a) No interest or percentage added to taxes shall be ^{Interest, etc., not to be compounded} compounded.

- 20.—(1) This Act, except subsections 6 and 7 of section 10 and ^{Commence-ment} sections 12 and 15, comes into force on the day it receives Royal Assent.

(2) Section 12 shall be deemed to have come into force on ^{Idem} the 1st day of January, 1975.

(3) Subsections 6 and 7 of section 10 and section 15 ^{Idem} come into force on the 1st day of January, 1979.

21. This Act may be cited as *The Municipal Amendment Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 7 19 76

ASSEMBLY PROROGUED December 16 19 76

Roderick Lewis

CLERK.

LEGISLATIVE ASSEMBLY

An Act to amend
The Municipal Act

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

December 3rd, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 150

Pauline G. G. S. H.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

The Regional Municipalities Amendment Act, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

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The Regional Municipalities Amendment Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

THE REGIONAL MUNICIPALITY OF OTTAWA-CARLETON

1. Subsection 2 of section 55c of *The Regional Municipality of Ottawa-Carleton Act*, being chapter 407 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1972, chapter 126, section 8, is repealed and the following substituted therefor:

s. 55c (2),
re-enacted

(2) The regional roads or portions thereof affected by a by-law passed under subsection 1 shall be marked to comply with the regulations made under *The Highway Traffic Act*.

Marking
of roads
R.S.O. 1970,
c. 202

2. Section 66 of the said Act is repealed.

s. 66,
repealed

- 3.—(1) Subsection 1 of section 94 of the said Act is repealed and the following substituted therefor:

s. 94 (1),
re-enacted

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve
funds

- (2) Subsection 3 of the said section 94 is repealed and the following substituted therefor:

s. 94 (3),
re-enacted

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

Expenditure
of reserve
fund moneys

4. Subsection 23 of section 100 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 126, section 19, is repealed and the following substituted therefor:

s. 100 (23),
re-enacted

Alternate
members

(23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 101 (1),
re-enacted

5. Subsection 1 of section 101 of the said Act is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284, s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

s. 124 (1),
re-enacted

6. Subsection 1 of section 124 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 10, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, section 333, paragraphs 3, 10, 11, 12 and 24 of section 352 and section 391 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART II

THE REGIONAL MUNICIPALITY OF NIAGARA

s. 89,
repealed

7. Section 89 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, is repealed.

s. 129 (1),
re-enacted

- 8.—(1) Subsection 1 of section 129 of the said Act is repealed and the following substituted therefor:

Reserve
funds

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 129 (3),
re-enacted

- (2) Subsection 3 of the said section 129 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

9. Subsection 23 of section 135 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 51, section 13, is repealed and the following substituted therefor: s. 135 (23),
re-enacted

(23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. Alternate
members

10. Subsection 1 of section 136 of the said Act is repealed and the following substituted therefor: s. 136 (1),
re-enacted

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. Application
of R.S.O. 1970,
c. 284, s. 296 (1)

11. Subsection 1 of section 154 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 24, is repealed and the following substituted therefor: s. 154 (1),
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, and sections 333 and 348, paragraphs 3, 10, 11, 12 and 24 of section 352, paragraph 61 of subsection 1 of section 354 and section 394 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application
of R.S.O. 1970,
c. 284

PART III

THE REGIONAL MUNICIPALITY OF YORK

12. Section 2 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1972, chapter 78, section 1, is further amended by adding thereto the following subsections: s. 2.
amended

(2a) On the 1st day of January, 1977, The Corporation of the Township of East Gwillimbury is erected into a town municipality bearing the name of The Corporation of the Town of East Gwillimbury. Township
of East
Gwillimbury
erected into
town
municipality

(2b) Sections 17, 19 and 22 of *The Municipal Act* apply *mutatis mutandis* in respect of the erecting of The Corporation of the Township of East Gwillimbury into a town municipality. Application
of R.S.O. 1970,
c. 284,
ss. 17, 19, 22

References
in Acts

(2c) A reference in this or any other general or special Act to The Corporation of the Township of East Gwillimbury or to the Township of East Gwillimbury shall be deemed to be a reference to The Corporation of the Town of East Gwillimbury and to the Town of East Gwillimbury, respectively.

s. 34 (1-3),
re-enacted

13. Subsections 1, 2 and 3 of section 34 of the said Act are repealed and the following substituted therefor:

Rates or
other charges
for water

(1) The Regional Council may pass by-laws fixing the rates or other charges at which water will be supplied to the area municipalities, or parts thereof, and the times and places when and where the rates or other charges shall be payable.

Idem

(2) In fixing the rates or other charges, the Regional Council may use its discretion as to the rate, rates or other charges to be charged to any area municipality or part thereof, and may charge different rates or other charges to one or more of the area municipalities or parts thereof.

Self-
sustaining

(3) The Regional Council shall so fix the rates or other charges at which water is supplied to the area municipalities or parts thereof that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

s. 87,
repealed

14. Section 87 of the said Act is repealed.

s. 124 (1),
re-enacted

15.—(1) Subsection 1 of section 124 of the said Act is repealed and the following substituted therefor:

Reserve
funds

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 124 (3),
re-enacted

(2) Subsection 3 of the said section 124 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 130 (23),
re-enacted

16. Subsection 23 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 78, section 17, is repealed and the following substituted therefor:

(23) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. Alternate members

17. Subsection 1 of section 131 of the said Act is repealed and the following substituted therefor: s. 131 (1),
re-enacted

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council Application
of R.S.O. 1970,
c. 284, s. 296 (1)

18. Subsection 1 of section 149 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 35, is repealed and the following substituted therefor: s. 149 (1),
re-enacted

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 246, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application
of R.S.O. 1970,
c. 284

19. Section 165 of the said Act is amended by adding thereto the following subsection: s. 165,
amended

(1a) The Regional Corporation may construct buildings for the use of The Children's Aid Society of The Regional Municipality of York and may lease land and any buildings so constructed to The Children's Aid Society of The Regional Municipality of York. Buildings
for use of
children's aid
society

PART IV

THE REGIONAL MUNICIPALITY OF WATERLOO

20. Section 91 of *The Regional Municipality of Waterloo Act, 1972*, being chapter 105, is repealed. s. 91,
repealed

- 21.—(1) Subsection 1 of section 132 of the said Act is repealed and the following substituted therefor: s. 132 (1),
re-enacted

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve
funds

- (2) Subsection 3 of the said section 132 is repealed and the following substituted therefor: s. 132 (3),
re-enacted

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 138 (25),
re-enacted

22. Subsection 25 of section 138 of the said Act is repealed and the following substituted therefor:

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 139 (1),
re-enacted

23. Subsection 1 of section 139 of the said Act is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284, s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

s. 158 (1),
re-enacted

24. Subsection 1 of section 158 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 47, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 246, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART V

THE REGIONAL MUNICIPALITY OF SUDBURY

s. 31 (2) (a),
re-enacted

25. Clause *a* of subsection 2 of section 31 of *The Regional Municipality of Sudbury Act, 1972*, being chapter 104, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 28, is repealed and the following substituted therefor:

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

- 26.** Section 74 of the said Act is repealed. s. 74,
repealed
- 27.**—(1) Subsection 1 of section 90 of the said Act is repealed and the following substituted therefor: s. 90 (1),
re-enacted
- (1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve
funds
- (2) Subsection 3 of the said section 90 is repealed and the following substituted therefor: s. 90 (3),
re-enacted
- (3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. Expenditure
of reserve
fund moneys
- 28.** Subsection 25 of section 95 of the said Act is repealed and the following substituted therefor: s. 95 (25),
re-enacted
- (25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. Alternate
members
- 29.** Subsection 1 of section 96 of the said Act is repealed and the following substituted therefor: s. 96 (1),
re-enacted
- (1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. Application
of R.S.O. 1970,
c. 284, s. 296 (1)
- 30.**—(1) Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 58, is repealed and the following substituted therefor: s. 115 (1),
re-enacted
- (1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application
of R.S.O. 1970,
c. 284
- (2) Subsection 4 of the said section 115 is repealed and the following substituted therefor: s. 115 (4),
re-enacted
- (4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraph 74a of section 352, paragraphs 90 and 116 of subsection 1 of section 354 and section 394 of *The Municipal Act*. Development
agreements,
public
trans-
portation
systems,
refuse
disposal,
enter-
tainment
expenses, etc.
R.S.O. 1970,
c. 284

PART VI

THE REGIONAL MUNICIPALITY OF PEEL

s. 52,
repealed

31. Section 52 of *The Regional Municipality of Peel Act, 1973*, being chapter 60, is repealed.

s. 77 (2) (a),
re-enacted

32. Clause *a* of subsection 2 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 36, is repealed and the following substituted therefor:

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

s. 90 (1),
re-enacted

33.—(1) Subsection 1 of section 90 of the said Act is repealed and the following substituted therefor:

Reserve
funds

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 90 (3),
re-enacted

(2) Subsection 3 of the said section 90 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 96 (25),
re-enacted

34. Subsection 25 of section 96 of the said Act is repealed and the following substituted therefor:

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 97 (1),
re-enacted

35. Subsection 1 of section 97 of the said Act is repealed and the following substituted therefor:

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. Application of R.S.O. 1970, c. 284, s. 296 (1)

- 36.** Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 69, is repealed and the following substituted therefor: s. 115 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308, sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application of R.S.O. 1970, c. 284

PART VII

THE REGIONAL MUNICIPALITY OF HALTON

- 37.** Section 52 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, is repealed. s. 52, repealed

- 38.** Clause *a* of subsection 2 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 41, is repealed and the following substituted therefor: s. 77 (2) (a), re-enacted

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*. R.S.O. 1970, c. 32

- 39.**—(1) Subsection 1 of section 90 of the said Act is repealed and the following substituted therefor: s. 90 (1), re-enacted

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve funds

- (2) Subsection 3 of the said section 90 is repealed and the following substituted therefor: s. 90 (3), re-enacted

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. Expenditure of reserve fund moneys

s. 97 (1),
re-enacted

40. Subsection 1 of section 97 of the said Act is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284, s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

s. 96 (25),
re-enacted

41. Subsection 25 of section 96 of the said Act is repealed and the following substituted therefor:

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 115 (1),
re-enacted

42. Subsection 1 of section 115 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 81, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART VIII

THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

s. 52,
repealed

43. Section 52 of *The Regional Municipality of Hamilton-Wentworth Act, 1973*, being chapter 74, is repealed.

s. 77 (2) (a),
re-enacted

44. Clause *a* of subsection 2 of section 77 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 46, is repealed and the following substituted therefor:

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

- 45.—(1) Subsection 1 of section 90 of the said Act is repealed ^{s. 90 (1),} and the following substituted therefor: ^{re-enacted}

(1) The Regional Council may in each year provide in ^{Reserve} the estimates for the establishment or maintenance of a ^{funds} reserve fund for any purpose for which it has authority to spend funds.

- (2) Subsection 3 of the said section 90 is repealed and the ^{s. 90 (3),} following substituted therefor: ^{re-enacted}

(3) The moneys raised for a reserve fund established under ^{Expenditure} subsection 1 shall not be expended, pledged or applied to ^{of reserve} any purpose other than that for which the fund was ^{fund moneys} established, unless approved by the Regional Council.

46. Subsection 25 of section 96 of the said Act is repealed and ^{s. 96 (25),} the following substituted therefor: ^{re-enacted}

(25) The Regional Council may appoint an alternate ^{Alternate} member for each of the appointed members and any such ^{members} alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

47. Subsection 1 of section 97 of the said Act is repealed and ^{s. 97 (1),} the following substituted therefor: ^{re-enacted}

(1) Subsection 1 of section 296 of *The Municipal Act* ^{Application} applies *mutatis mutandis* to the Regional Council. ^{of R.S.O. 1970,} ^{c. 284, s. 296 (1)}

48. Subsection 1 of section 115 of the said Act, as re-enacted ^{s. 115 (1),} by the Statutes of Ontario, 1976, chapter 43, section 92, ^{re-enacted} is repealed and the following substituted therefor:

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, ^{Application} subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, ^{of R.S.O. 1970,} 245, 248a, 249, 250, 254, subsection 3 of section 308 and ^{c. 284} sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

PART IX

THE REGIONAL MUNICIPALITY OF DURHAM

49. Section 53 of *The Regional Municipality of Durham Act, 1973*, ^{s. 53,} being chapter 78, is repealed. ^{repealed}

s. 55 (2) (a),
re-enacted

- 50.** Clause *a* of subsection 2 of section 56 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 51, is repealed and the following substituted therefor:

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

Durham
Planning
Area
continued
under name
Regional
Municipality
of Durham
Planning
Area

- 51.**—(1) On and after the 1st day of January, 1977, the planning area designated as the Durham Planning Area by subsection 1 of section 59 of *The Regional Municipality of Durham Act, 1973*, shall be continued as a planning area to be known as the Regional Municipality of Durham Planning Area.

References in
1973, c. 78,
Pt. VI

- (2) Any reference in Part VI of *The Regional Municipality of Durham Act, 1973*, to the Durham Planning Area shall, after the 1st day of January, 1977, be deemed to be a reference to the Regional Municipality of Durham Planning Area.

s. 98 (1),
re-enacted

- 52.**—(1) Subsection 1 of section 98 of the said Act is repealed and the following substituted therefor:

Reserve
funds

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 98 (3),
re-enacted

- (2) Subsection 3 of the said section 98 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 104 (25),
re-enacted

- 53.** Subsection 25 of section 104 of the said Act is repealed and the following substituted therefor:

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member

and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

54. Subsection 1 of section 105 of the said Act is repealed and the following substituted therefor: s. 105 (1),
re-enacted

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council. Application
of R.S.O. 1970,
c. 284, s. 296 (1)

55. Subsection 1 of section 123 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 104, is repealed and the following substituted therefor: s. 123 (1),
re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250 and 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation. Application
of R.S.O. 1970,
c. 284

PART X

THE REGIONAL MUNICIPALITY OF HALDIMAND-NORFOLK

56. Section 52 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed. s. 52,
repealed
57. Clause *a* of subsection 2 of section 79 of the said Act, as re-enacted by the Statutes of Ontario, 1974, chapter 117, section 56, is repealed and the following substituted therefor: s. 79 (2) (a),
re-enacted

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

- 58.—(1) Subsection 1 of section 94 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor: s. 94 (1),
re-enacted

(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a Reserve
funds

reserve fund for any purpose for which it has authority to spend funds.

s. 94 (3),
re-enacted

(2) Subsection 3 of the said section 94 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council.

s. 100 (25),
re-enacted

59. Subsection 25 of section 100 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines.

s. 101 (1),
re-enacted

60. Subsection 1 of section 101 of the said Act, as enacted by the Statutes of Ontario, 1973, chapter 155, section 4, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284, s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Regional Council.

s. 119 (1),
re-enacted

61. Subsection 1 of section 119 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 43, section 115, is repealed and the following substituted therefor:

Application
of R.S.O. 1970,
c. 284

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, subsection 3 of section 308 and sections 333 and 348 and paragraphs 3, 9, 10, 11, 12, 24, 63, 64, 65, 66, 67 and 74 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the Regional Corporation.

MISCELLANEOUS

Commence-
ment

62.—(1) This Act, except sections 13 and 25, subsection 2 of section 30, and sections 32, 38, 44, 50 and 57, comes into force on the day it receives Royal Assent.

- (2) Section 13 shall be deemed to have come into force on *Idem* the 1st day of January, 1971.
- (3) Sections 25, 32, 38, 44, 50 and 57 shall be deemed to *Idem* have come into force on the 1st day of January, 1975.
- (4) Subsection 2 of section 30 shall be deemed to have *Idem* come into force on the 1st day of January, 1976.

63. This Act may be cited as *The Regional Municipalities* *Short title* *Amendment Act, 1976.*

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 7 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Law

CLERK
LEGISLATIVE ASSEMBLY

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BILL 150

The Regional Municipalities Amendment Act, 1976

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

December 3rd, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The District Municipality of Muskoka Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

21 Sept. 1944

RECEIVED
11 SEP 1944

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BILL 151

1976

An Act to amend The District Municipality of Muskoka Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 2 of section 27 of *The District Municipality of Muskoka Act*, being chapter 131 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1974, chapter 119, section 2, is repealed and the following substituted therefor:

s. 27 (2) (a),
re-enacted

- (a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge, and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

R.S.O. 1970,
c. 32

2. Section 66 of the said Act is repealed.
3. Subsections 1 and 3 of section 103 of the said Act are repealed and the following substituted therefor:

s. 66,
repealed

s. 103 (1, 3),
re-enacted

- (1) The District Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

Reserve
funds

- (3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the District Council.

Expenditure
of reserve
fund moneys

s. 111 (23),
re-enacted

4. Subsection 23 of section 111 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 52, section 10, is repealed and the following substituted therefor:

Alternate
members

(23) The District Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the District Corporation, such remuneration as the District Council determines.

s. 112 (1),
re-enacted

5. Subsection 1 of section 112 of the said Act is repealed and the following substituted therefor:

Application
of R.S.O.
1970, c. 284,
s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the District Council.

s. 130 (1),
re-enacted

6. Subsection 1 of section 130 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 55, section 12, is repealed and the following substituted therefor:

Application
of R.S.O.
1970, c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a, 249 and 254, subsection 3 of section 308, section 333 and paragraphs 3, 10, 11, 12 and 24 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and, for the purposes of section 394 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality.

Commence-
ment

- 7.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

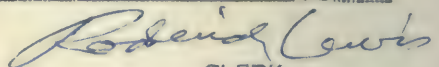
- (2) Section 1 shall be deemed to have come into force on the 1st day of January, 1975.

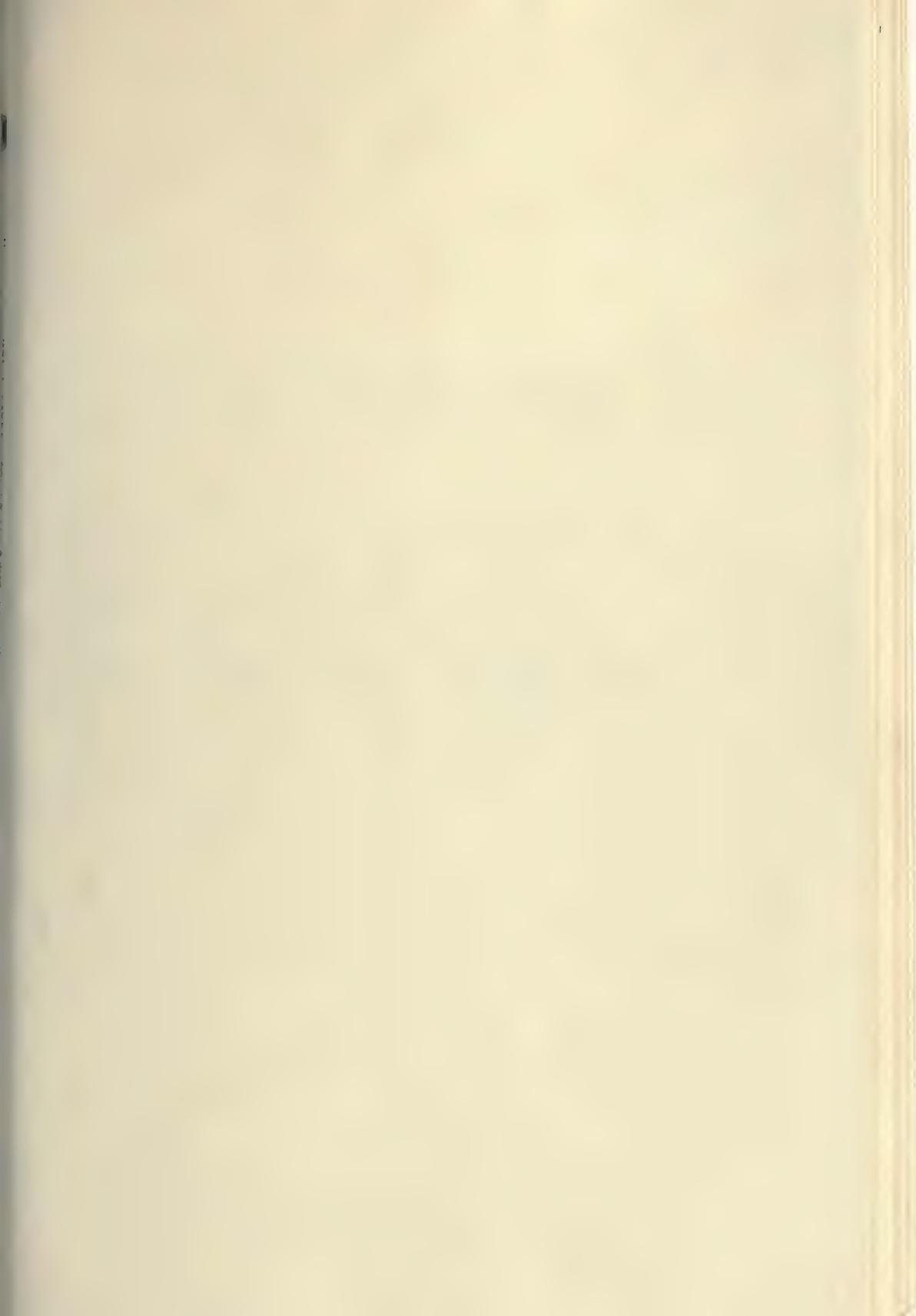
Short title

8. This Act may be cited as *The District Municipality of Muskoka Amendment Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 7 1976

ASSEMBLY PROROGUED December 16 1976


CLERK
LEGISLATIVE ASSEMBLY



100-2-942

THE UNIVERSITY OF CHICAGO

NAME		ADDRESS		CITY		STATE	
1	1	1	1	1	1	1	1
2	2	2	2	2	2	2	2
3	3	3	3	3	3	3	3
4	4	4	4	4	4	4	4
5	5	5	5	5	5	5	5
6	6	6	6	6	6	6	6
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An Act to amend
The District Municipality of
Muskoka Act

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

December 3rd, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

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3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Municipality of Metropolitan Toronto Act**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 35a of *The Municipality of Metropolitan Toronto Act*, being chapter 295 of the Revised Statutes of Ontario, 1970, as enacted by the Statutes of Ontario, 1974, chapter 42, section 5, is repealed and the following substituted therefor:

s. 35a (1),
re-enacted

(1) Notwithstanding section 35, the Metropolitan Council may add a surcharge of such percentage as it may determine to the water rates fixed under that section and the proceeds of such surcharge shall be deemed not to be revenue of the waterworks system under section 38 and shall be applied or expended for the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, and such surcharge shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of *The Assessment Act*.

Surcharge
on water
rates

R.S.O. 1970,
c. 32

2. Subsection 2 of section 82 of the said Act is repealed and the following substituted therefor:

s. 82 (2),
re-enacted

(2) The metropolitan roads or portions thereof affected by a by-law passed under subsection 1 shall be marked to comply with the regulations made under *The Highway Traffic Act*.

Marking
of roads

R.S.O. 1970,
c. 202

3. Section 113 of the said Act is repealed.

s. 113,
repealed

- 4.—(1) Subsection 1 of section 216 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 89, section 6, is repealed and the following substituted therefor:

s. 216 (1),
re-enacted

Reserve
funds

(1) The Metropolitan Council, or The Metropolitan Toronto School Board or the Metropolitan Toronto Library Board with the approval of the Metropolitan Council, may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

s. 216 (3),
re-enacted

(2) Subsection 3 of the said section 216 is repealed and the following substituted therefor:

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Metropolitan Council.

s. 223 (23),
re-enacted

5. Subsection 23 of section 223 of the said Act is repealed and the following substituted therefor:

Alternate
members

(23) The Metropolitan Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Metropolitan Corporation, such remuneration as the Metropolitan Council determines.

s. 224 (1),
re-enacted

6. Subsection 1 of section 224 of the said Act is repealed and the following substituted therefor:

Application
of R.S.O.
1970, c. 284,
s. 296 (1)

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the Metropolitan Council.

s. 241 (1),
re-enacted

7. Subsection 1 of section 241 of the said Act, as re-enacted by the Statutes of Ontario, 1976, chapter 42, section 18, is repealed and the following substituted therefor:

Application
of R.S.O.
1970, c. 284

(1) Section 5, Parts XV, XVI, XVII and XXI, sections 242a, 248a and 249, subsection 3 of section 308, section 333 and paragraphs 3, 10, 11, 12, 24, 29 and 42 of section 352 of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation.

Commence-
ment

8.—(1) This Act, except section 1, comes into force on the day it receives Royal Assent.

Idem

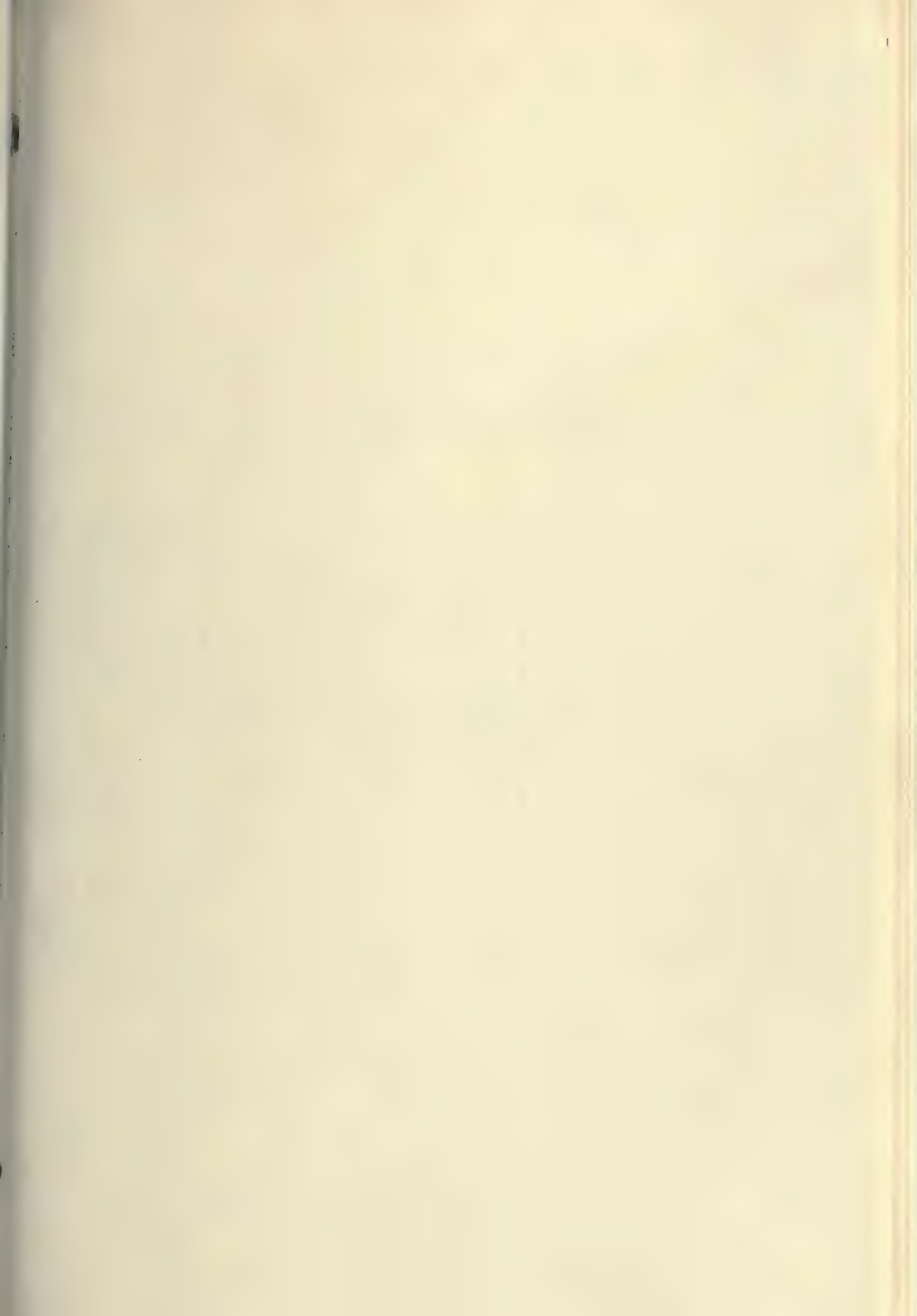
(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1975.

Short title

9. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1976*.

152
 ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 7 1976
 ASSEMBLY PROROGUED December 16 1976

Rodney Lewis



100

The first part of the book is devoted to a general survey of the history of the subject, and to a discussion of the various theories which have been advanced to explain the origin of the human mind.

101

The second part of the book is devoted to a detailed examination of the various theories which have been advanced to explain the origin of the human mind.

102

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The eleventh part of the book is devoted to a detailed examination of the various theories which have been advanced to explain the origin of the human mind.

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The twelfth part of the book is devoted to a detailed examination of the various theories which have been advanced to explain the origin of the human mind.

Wm. L. G. G. G.

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An Act to amend The Municipality
of Metropolitan Toronto Act

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

December 3rd, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 153

Pauline G. G. H.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The County of Oxford Act, 1974**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

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**An Act to amend
The County of Oxford Act, 1974**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The County of Oxford Act, 1974*, being chapter 57, s. 3, amended is amended by adding thereto the following subsection:

(4a) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of *The Municipal Act*, the Municipal Board may, by order, Amalgamation of wards, etc., by O.M.B.
R.S.O. 1970, c. 284

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the County Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of council of the area municipality, and shall be a member of the County Council, as provided for in this Act.

s. 13 (3),
amended

2. Subsection 3 of section 13 of the said Act is amended by striking out "thirty" in the fourth line and inserting in lieu thereof "sixty".

s. 26 (3),
amended

3. Subsection 3 of section 26 of the said Act is amended by striking out "as an auditor, but this provision shall not apply in the year 1975" in the ninth and tenth lines and inserting in lieu thereof "for services within his professional capacity".

s. 41 (1),
amended

- 4.—(1) Subsection 1 of section 41 of the said Act is amended by striking out "before it is submitted for approval under *The Highway Traffic Act*" in the fifth and sixth lines.

s. 41,
amended

- (2) The said section 41 is amended by adding thereto the following subsections:

County
Council
may approve
by-law in
whole or
in part

(1a) A by-law submitted for approval of the County Council in compliance with subsection 1 may be approved in whole or in part and, where part only of a by-law is approved, that part only shall become operative.

Withdrawal
of approval

(1b) The County Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice.

s. 52,
re-enacted

5. Section 52 of the said Act is repealed and the following substituted therefor:

R.S.O. 1970,
c. 201, s. 43 (1),
not to apply

52. Subsection 1 of section 43 of *The Public Transportation and Highway Improvement Act* does not apply to the County.

s. 91a,
enacted

6. The said Act is amended by adding thereto the following section:

Temporary
borrowing
R.S.O. 1970,
c. 332

91a.—(1) Where the County has entered into an agreement under *The Ontario Water Resources Act* whereby the County is entitled to receive moneys from the Crown, the County Council pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Application
of proceeds

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the County under *The Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the

County has received the moneys to which it is entitled from the Crown under the said agreement, such moneys shall be applied first in repayment of the advances.

- 7.—(1) Subsection 11 of section 95 of the said Act is amended by striking out "at one time and" in the first line. s. 95 (11),
amended

- (2) Subsection 25 of the said section 95 is repealed and the following substituted therefor: s. 95 (25),
re-enacted

(25) The County Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the County, such remuneration as the County Council determines. Alternate
members

- (3) Subsection 32 of the said section 95 is amended by adding thereto the following clauses: s. 95 (32),
amended

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council.

- (4) Subsection 46 of the said section 95 is amended by striking out "25 to 41" in the fourth and fifth lines and inserting in lieu thereof "23 to 43". s. 95 (46),
amended

- (5) The said section 95 is amended by adding thereto the following subsection: s. 95,
amended

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the County, except as to the availability of any sinking funds applicable to any particular issue of debentures. All
debentures
rank
equally

8. The said Act is further amended by adding thereto the following section: s. 95a,
enacted

95a. Notwithstanding any other provision of this Act,

- (a) a money by-law of the County Council may provide that all or a portion of the debentures to Debentures
payable on
a fixed date
subject to
the annual
redemption
by lot of a
specified
principal
amount

be issued thereunder shall be payable on a fixed date, subject to the obligation of the County to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the County of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

interest
ceases to
accrue on
date set for
redemption

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the County for the payment of the principal amount thereof;

debentures
to be
redeemed
may be
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the County at a public meeting of the County Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the County, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to
redeem to
be sent by
mail

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice
to redeem
to be
published

- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only
portion of
debentures
payable on
fixed date

- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the County to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. annual amounts payable to be approximately equal

9. Subsection 1 of section 96 of the said Act is repealed and the following substituted therefor: s. 96 (1), re-enacted

(1) Subsection 1 of section 296 of *The Municipal Act* applies *mutatis mutandis* to the County Council. Application of R.S.O. 1970, c. 284, s. 296 (1)

10. Section 103 of the said Act is amended by adding thereto the following subsection: s. 103, amended

(5) Where debentures are payable in a currency other than that of Canada, the County Council may provide that the Debenture Registry Book of the County in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the County Council considers appropriate. Where debenture Registry Book may be maintained outside Canada

11. Subsection 1 of section 114 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 118, section 3, is repealed and the following substituted therefor: s. 114 (1), re-enacted

(1) Sections 5, 217, 223, 224, 229, 231, 232, 233 and 235, subsections 1, 4 and 5 of section 237, sections 238, 239, 242a, 245, 248a, 249, 250, 254, 308 and 333 and paragraphs 3, 9, 10, 11, 12, 24, 44, 63, 64, 65, 66 and 67 of section 352 and Parts XV, XVI, XVII and XXI of *The Municipal Act* apply *mutatis mutandis* to the County. Application of R.S.O. 1970, c. 284

12. Subsection 1 of section 116 of the said Act is repealed and the following substituted therefor: s. 116 (1), re-enacted

(1) The County may make expenditures for the purpose of diffusing information respecting the advantages of the County as an industrial, business, educational, residential or vacation centre. Expenditures for diffusing information

13. Section 117 of the said Act, as amended by the Statutes of Ontario, 1974, chapter 118, section 4, is repealed. s. 117, repealed

14. This Act comes into force on the day it receives Royal Assent. Commencement

15. This Act may be cited as *The County of Oxford Amendment Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

ASSEMBLY PROROGUED

Dec. 7 1976

December 16 1976

Robert Lewis

CLERK

LEGISLATIVE ASSEMBLY

An Act to amend
The County of Oxford Act, 1974

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

December 3rd, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 154

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Amend. in G. G. S. Hon

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act respecting The Municipality of Shuniah

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 154

1976

An Act respecting The Municipality of Shuniah

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3a of *The Municipality of Shuniah Act, 1936*, being chapter 83, as enacted by the Statutes of Ontario, 1960, chapter 167, section 1, is repealed and the following substituted therefor: s. 3a.
re-enacted

3a. The said municipality is continued as a township municipality and the inhabitants thereof are a body corporate under the name "The Corporation of the Township of Shuniah". Municipality continued as township under the name The Corporation of the Township of Shuniah

2. Section 9 of the said Act, as amended by the Statutes of Ontario, 1955, chapter 114, section 1, is repealed. s. 9,
repealed
3. A reference in any Act or regulation to The Municipality of Shuniah or The Corporation of the Municipality of Shuniah shall be deemed to be a reference to The Corporation of the Township of Shuniah. References to name of municipality in Acts or regulations
4. This Act comes into force on the day it receives Royal Assent. Commencement
5. This Act may be cited as *The Municipality of Shuniah Amendment Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec 7 1976

ASSEMBLY PROROGUED

December 16 1976

Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act respecting
The Municipality of Shuniah

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

November 8th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 155

Pauline G. G. G. G.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Insurance Act

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

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An Act to amend The Insurance Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 1, 2 and 3 of section 218 of *The Insurance Act*, s. 218 (1-3),
being chapter 224 of the Revised Statutes of Ontario, 1970, re-enacted
are repealed and the following substituted therefor:

(1) Every contract evidenced by a motor vehicle liability policy insures, in respect of any one accident, to the limit of at least \$100,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and loss of or damage to property. Minimum liability under policy

(2) The contract shall be interpreted to mean that where, Priorities
by reason of any one accident, liability results from bodily injury or death and from loss of or damage to property,

- (a) claims against the insured arising out of bodily injury or death have priority to the extent of \$95,000 over claims arising out of loss of or damage to property; and
- (b) claims against the insured arising out of loss of or damage to property have priority to the extent of \$5,000 over claims arising out of bodily injury or death.

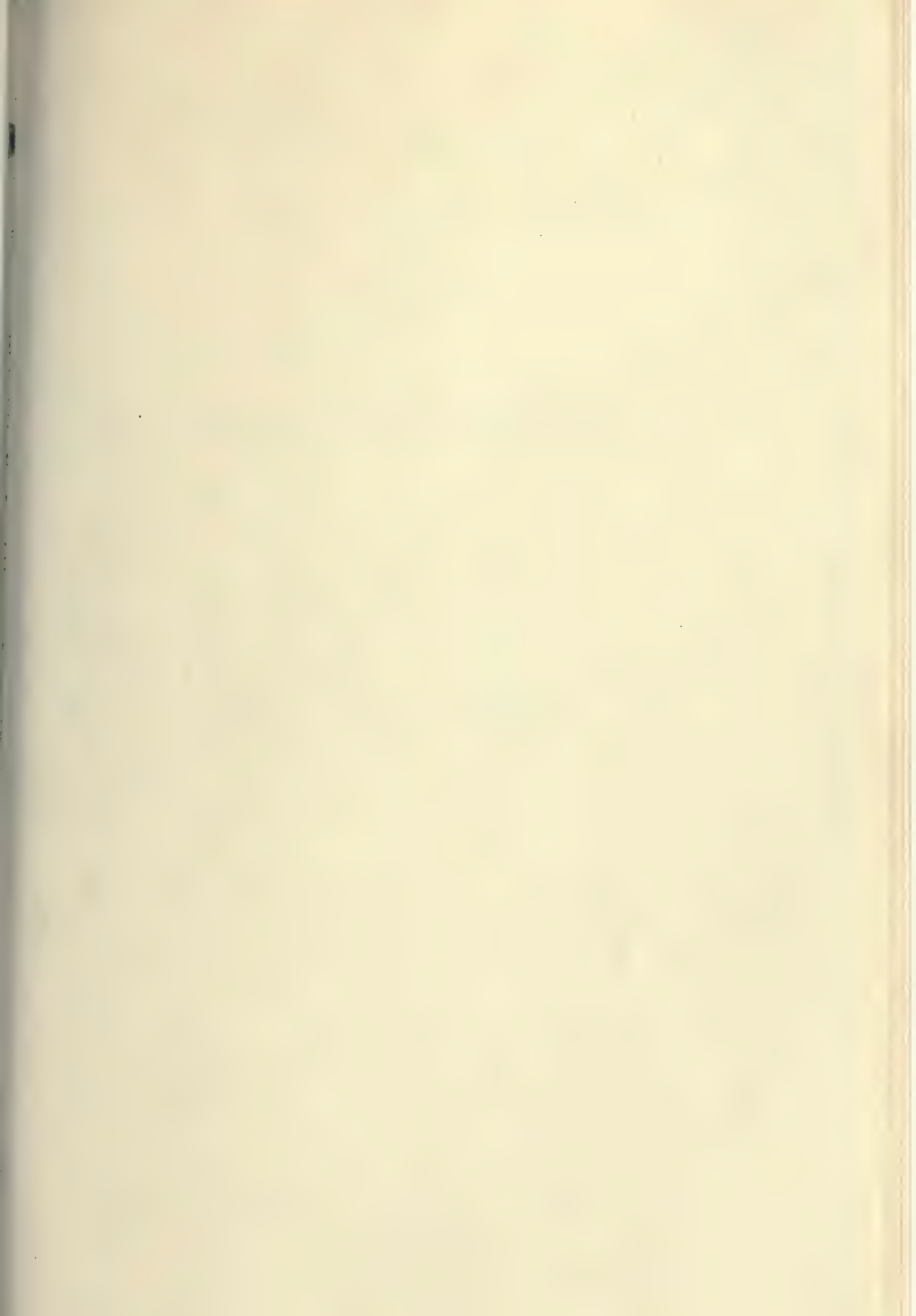
(3) The insurer may, instead of specifying a limit in the policy for an inclusive amount, specify a limit of liability of at least \$100,000, exclusive of interest and costs, against liability resulting from bodily injury to or the death of one or more persons and a limit of liability of at least \$100,000, exclusive of interest and costs, against liability for loss of or damage to property. Minimum limits where separate limits designated

Commence-
ment

2. This Act comes into force on the 1st day of January, 1977.

Short title

3. This Act may be cited as *The Insurance Amendment Act, 1976*.ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 7 1976ASSEMBLY PROROGUED December 16 1976*Robert Lewis*CLERK
LEGISLATIVE ASSEMBLY



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An Act to amend
The Insurance Act

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

November 8th, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

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Lawline by G. S. Klein

BILL 156

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Motor Vehicle Accident Claims Act**

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 156

1976

An Act to amend The Motor Vehicle Accident Claims Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 22 of *The Motor Vehicle Accident Claims Act*, being chapter 281 of the Revised Statutes of Ontario, 1970, is repealed and the following substituted therefor:

(1) In respect of any application under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1977, and subject to subsection 5, the Minister shall not pay out of the Fund more than the total amount of \$100,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one uninsured motor vehicle and arising out of any one accident, provided that any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$5,000, but in any event the Minister shall not pay out of the Fund more than a total of \$5,000 in respect of all claims arising out of the loss of or damage to property occasioned by any one uninsured vehicle and arising out of any one accident.

(1a) In respect of any application under section 5 or 6 for payment of damages arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of September, 1969, and before the 1st day of January, 1977, and subject to subsection 5, the Minister shall not pay out of the Fund more than the total amount of \$50,000, exclusive of costs, for all damages on account of injury or death to one or more persons, or loss of or damage to property occasioned in Ontario by any one uninsured motor vehicle and arising out of any one accident, provided that

any claims arising out of any loss of or damage to property shall have priority over any claims arising out of any bodily injury or death to the extent of \$5,000, but in any event the Minister shall not pay out of the Fund more than a total of \$5,000 in respect of all claims arising out of the loss of or damage to property occasioned by any one uninsured vehicle and arising out of any one accident.

s. 22 (5) (a),
re-enacted

(2) Clause *a* of subsection 5 of the said section 22 is repealed and the following substituted therefor:

(a) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of January, 1977, more than \$100,000, exclusive of costs, for all damages on account of injury to one or more persons and the death of one or more persons occasioned by any one uninsured motor vehicle and arising out of any one accident; or

(aa) arising out of motor vehicle accidents occurring in Ontario on or after the 1st day of September, 1969, and before the 1st day of January, 1977, more than \$50,000, exclusive of costs for all damages on account of injury to one or more persons and the death of one or more persons occasioned by any one uninsured motor vehicle and arising out of any one accident; or

Commence-
ment

2. This Act comes into force on the 1st day of January, 1977.

Short title

3. This Act may be cited as *The Motor Vehicle Accident Claims Amendment Act, 1976*.

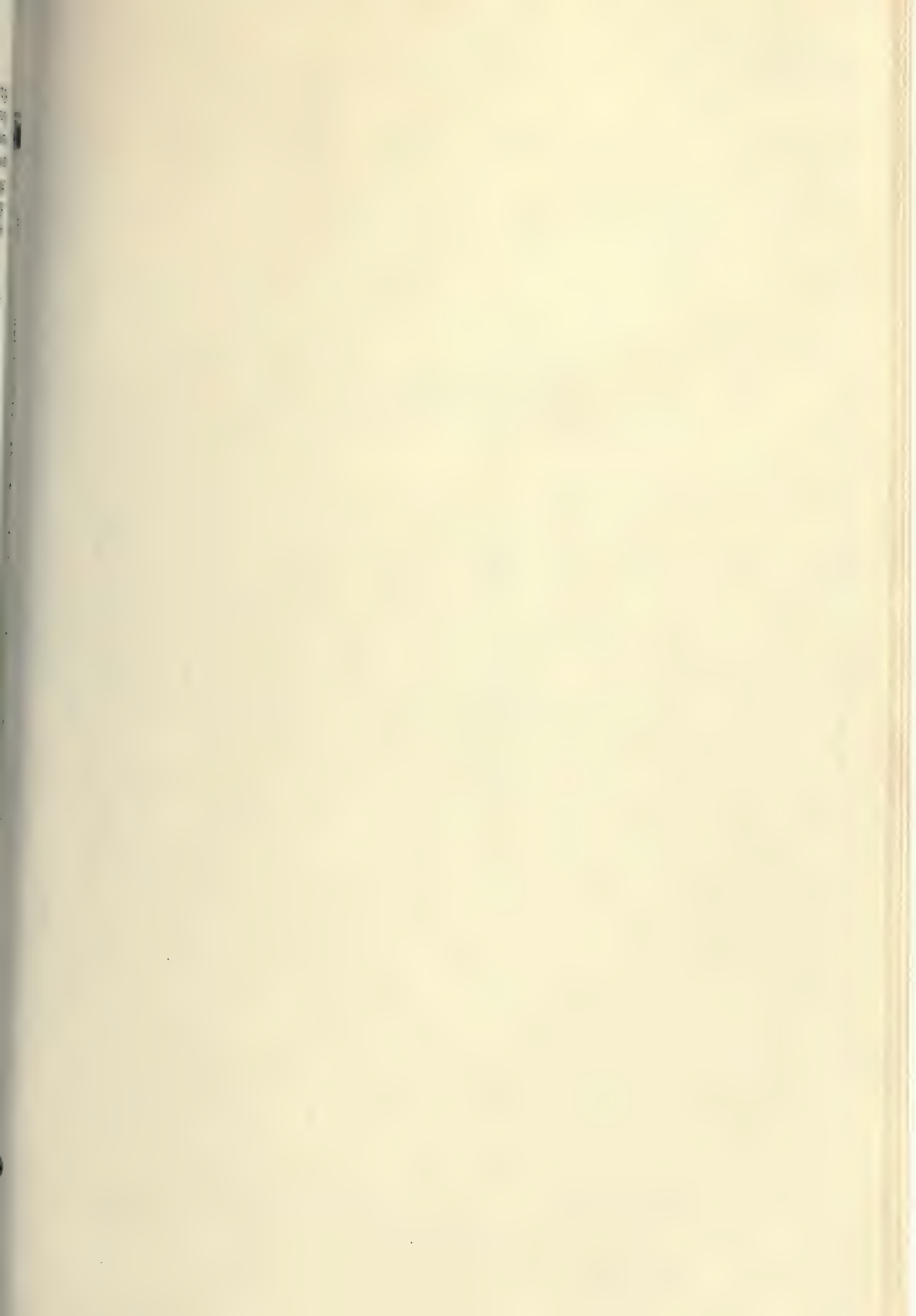
ASSENTED TO BY LIEUTENANT-GOVERNOR

Dec 7 1976

ASSEMBLY PROROGUED

December 16 1976

Robert G. Lewis
CLERK
LEGISLATIVE ASSEMBLY



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An Act to amend
The Motor Vehicle Accident Claims Act

1st Reading

October 28th, 1976

2nd Reading

November 8th, 1976

3rd Reading

November 8th, 1976

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

BILL 168

Pauline L. L. L.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Corporations Tax Act, 1972**

THE HON. A. K. MEEN
Minister of Revenue

TORONTO

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BILL 168

1976

**An Act to amend
The Corporations Tax Act, 1972**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 104 of *The Corporations Tax Act, 1972*, being chapter 143, is repealed and the following substituted therefor: s. 104,
re-enacted

104.—(1) Where a corporation has a permanent establishment in Ontario, and, Foreign
tax
deduction

(a) the corporation has included in computing its income for the fiscal year,

(i) income that was derived from sources within a jurisdiction outside Canada in the form of dividends, interest, rents or royalties received in the year,

(ii) income that is deemed to have been received in the form of dividends and interest from a jurisdiction outside Canada by virtue of the provisions of subsection 5 of section 148 of the *Income Tax Act* (Canada), or 1970-71,
c. 63 (Can.)

(iii) the amount by which,

(A) the aggregate of that part of the corporation's taxable capital gains for the fiscal year from the disposition of property as may reasonably be considered to be income from a source within a jurisdiction outside Canada,

exceeds,

(B) the aggregate of such of the corporation's allowable capital losses for the

year from the disposition of property as may reasonably be considered to be a loss from a source within that jurisdiction outside Canada,

hereinafter in this section referred to as "foreign investment income"; or

- (b) the corporation, having included in its income for the fiscal year foreign investment income from sources within a jurisdiction outside Canada, also included income from a business carried on by it in that jurisdiction, hereinafter in this section referred to as "foreign business income",

and where,

1970-71,
c. 63 (Can.)

- (c) for the purposes of subsection 2 of section 126 of the *Income Tax Act* (Canada), such foreign investment income has not been included as part of such foreign business income, and, for the purpose of allocating taxable income to a jurisdiction outside Ontario in accordance with the regulations made under section 103, such foreign investment income has been excluded from the calculation of gross revenue or any part thereof; and
- (d) the corporation is entitled to a deduction under section 126 of the *Income Tax Act* (Canada), hereinafter in this section referred to as "foreign tax credit", with respect to any income or profits tax paid to such jurisdiction on such foreign investment income or on such foreign investment income and foreign business income or is deemed to have been paid as income or profits tax to such jurisdiction by virtue of subsection 5 of section 148 of the *Income Tax Act* (Canada),

the corporation may deduct from the tax otherwise payable under this Part for the fiscal year an amount equal to the lesser of,

- (e) 12 per cent of that part of such foreign investment income that is income that is included in that portion of taxable income that remains after deducting from such taxable income the portions thereof deemed to have been earned in jurisdictions other than Ontario for the purpose of section 103; and

(f) the deficiency, if any, between,

- (i) the income or profits tax paid for the fiscal year by the corporation to the jurisdiction outside Canada in respect of the foreign investment income referred to in clause e, and
- (ii) the foreign tax credit allowed for the fiscal year in respect of such foreign investment income under subsection 1 of section 126 of the *Income Tax Act* (Canada).

1970-71,
c. 63 (Can.)

(2) For greater certainty, where the income of a corporation for a fiscal year is in whole or in part from sources in more than one jurisdiction outside Canada, subsection 1 shall be read as providing for a separate deduction in respect of each jurisdiction outside Canada. Idem

- 2. This Act shall be deemed to have come into force on the 1st day of January, 1976 and applies to corporations in respect of all fiscal years ending after the 31st day of December, 1975. Commence-
ment
- 3. This Act may be cited as *The Corporations Tax Amendment Act, 1976* (No. 3). Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1976

ASSEMBLY PROROGUED December 16 1976

Rodriguez
CLERK
LEGISLATIVE ASSEMBLY

THE UNIVERSITY OF CHICAGO
CHICAGO, ILLINOIS

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An Act to amend
The Corporations Tax Act, 1972

1st Reading

November 23rd, 1976

2nd Reading

December 7th, 1976

3rd Reading

December 7th, 1976

THE HON. A. K. MEEN
Minister of Revenue

BILL 169

Pauline Lp. Lp. S. Lp.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Income Tax Act

THE HON. A. K. MEEN
Minister of Revenue

TORONTO

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1976

An Act to amend The Income Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *h* of subsection 3 of section 3 of *The Income Tax Act*, ^{s. 3(3)(h), re-enacted} being chapter 217 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1975 (2nd Session), chapter 16, section 1, is repealed and the following substituted therefor:

(h) 30.5 per cent in respect of the 1972, 1973, 1974, 1975, 1976 and 1977 taxation years.
2. Clause *b* of subsection 2 of section 6*b* of the said Act, as ^{s. 6*b*(2)(b), amended} re-enacted by the Statutes of Ontario, 1973, chapter 153, section 2 and amended by 1975, chapter 16, section 3, is further amended by striking out "or by paragraphs *e*, *e.1*, *g* and *h* of subsection 1 of section 110 of that Act" in the third, fourth and fifth lines.
3. This Act shall be deemed to have come into force on the 1st ^{Commence-} day of January, 1976 and applies to the 1976 and subsequent ^{ment} taxation years.
4. This Act may be cited as *The Income Tax Amendment Act*, Short title 1976 (No. 2).

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 19 76

ASSEMBLY PROROGUED December 16 19 76

CLERK
LEGISLATIVE ASSEMBLY

BILL 169

An Act to amend
The Income Tax Act

1st Reading

November 23rd, 1976

2nd Reading

December 7th, 1976

3rd Reading

December 7th, 1976

THE HON. A. K. MEEN
Minister of Revenue

BILL 170

Pauline G. G. G. G.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Retail Sales Tax Act

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 170

1976

An Act to amend The Retail Sales Tax Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Paragraph 8a of section 1 of *The Retail Sales Tax Act*,
being chapter 415 of the Revised Statutes of Ontario,
1970, as enacted by the Statutes of Ontario, 1976,
chapter 23, section 1, is repealed. s. 1,
par. 8a,
repealed

- (2) Paragraph 9 of the said section 1, as re-enacted by the
Statutes of Ontario, 1976, chapter 23, section 1, is
repealed and the following substituted therefor: s. 1,
par. 9,
re-enacted
 9. "purchaser" means a consumer or person who
acquires tangible personal property anywhere, or
who acquires or receives a taxable service at a sale
in Ontario, for his own consumption or use, or for
the consumption or use in Ontario of other persons
at his expense, or on behalf of or as agent for a
principal who desires to acquire such property or
service for consumption or use in Ontario by such
principal or other persons at his expense, and
includes a person who, at his expense purchases
admission to a place of amusement for himself or
for another person.

- (3) Clause *fa* of paragraph 13 of the said section 1, as enacted
by the Statutes of Ontario, 1976, chapter 23, section 1,
is repealed. s. 1,
par. 13 (fa),
repealed

- (4) Paragraph 15 of the said section 1, as re-enacted by the
Statutes of Ontario, 1976, chapter 23, section 1, is repealed
and the following substituted therefor: s. 1,
par. 15,
re-enacted
 15. "tangible personal property" means personal property
that can be seen, weighed, measured, felt or
touched, or that is in any way perceptible to the

senses, and includes natural gas, manufactured gas, and any chattel that is a fixture and for the use, possession or enjoyment of which a fee, charge or rent is paid that is not included in any fee, charge or rent paid for possession or occupation of the real property to which the chattel is affixed.

s. 2,
amended

2. Section 2 of the said Act, as amended by the Statutes of Ontario, 1973, chapter 23, section 2, 1974, chapter 7, section 1, 1975, chapter 9, section 2 and 1976, chapter 23, section 2, is further amended by adding thereto the following subsection:

Sale by
rent or
lease

(5a) Notwithstanding subsection 5 and section 9, where a purchaser,

(a) rents or leases from any person any taxable service at a sale in Ontario; or

(b) acquires tangible personal property at a sale that is the lease or rental to him of such tangible personal property without provision for the transfer to him of title thereto, or with the provision of such transfer only upon the exercise of an option or similar right to acquire such tangible personal property,

the tax imposed by this Act shall be computed, paid and collected at the time of, and on the fair value of the consideration given in payment of, each rental payment made by or on behalf of the purchaser in respect of the lease or rental of such taxable service or tangible personal property, and tax shall, in addition, be computed, paid and collected at the time of, and on the fair value of the consideration given in payment for, each of the obtaining of any option or similar right to purchase the tangible personal property leased or rented or the exercising of any such option or similar right.

s. 5 (1),
par. 38,
re-enacted

- 3.—(1) Paragraph 38 of subsection 1 of section 5 of the said Act is repealed and the following substituted therefor:

38. materials (except grease, lubricating oil or fuel for use in internal combustion engines) that are purchased to be used up or expended by a manufacturer or by a producer directly in,

(a) the manufacture or production of tangible personal property, the development by such manufacturer or producer of goods for his manufacture or production, or the develop-

ment by such manufacturer or producer of manufacturing or production processes for his own use;

- (b) the detection, measurement, prevention, treatment, reduction or removal of pollutants in air, water or soil that are attributable to manufacturing or producing operations; or
- (c) a manufacturing or production process prescribed by the Minister for this clause and when the materials so used up or expended are prescribed by the Minister for the purpose of this clause.

38a. machinery or equipment purchased for the use of a manufacturer, or for the use of a producer, if such machinery or equipment is,

- (a) to be used directly in the manufacture or production of tangible personal property, in the development by such manufacturer or producer of goods for his manufacture or production, or in the development by such manufacturer or producer of manufacturing or production processes for his own use;
- (b) to be used by such manufacturer or producer directly in the detection, measurement, prevention, treatment, reduction or removal of pollutants in air, water or soil that are attributable to manufacturing or producing operations;
- (c) to be used by such manufacturer or producer to carry away refuse or waste from machinery or equipment used directly in the manufacture or production of tangible personal property, or to be used to exhaust or expel dust or noxious fumes produced in the manufacturing or producing operations of such manufacturer or producer;
- (d) a gasoline-powered or diesel-powered self-propelled truck mounted on rubber-tired wheels that is not operated on the highway and that is used exclusively at mines or quarries;

- (e) a tractor (other than a highway truck tractor) powered by an internal combustion engine, a logging wagon, logging sled, logging car or logging crane, a captive balloon with a volume of 150,000 cubic feet or more, or wire rope, blocks and tackle, or machinery, and is used exclusively in logging operations including the removal of the log from the stump to the skidway, log dump, or to a common or other carrier;
- (f) pipes, tubing, casings, fittings, couplings, thread protectors and nipples therefor, and drilling pipe that are commonly known as "oil country goods" and are used in connection with natural gas or oil wells; or
- (g) machinery, equipment and apparatus, including wire rope, drilling bits, drilling mud and seismic shot-hole casing, to be used in the exploration for, or in the discovery or development of, petroleum, natural gas or minerals,

but the exemption conferred by this paragraph does not apply to any type or class of machinery or equipment prescribed by the Minister to be excluded from this paragraph, or to any machinery or equipment used in any manner, process, industry, enterprise or by any person prescribed by the Minister as not entitled to the exemption conferred by this paragraph.

s. 5 (1),
par. 49 (c),
repealed

- (2) Clause *c* of paragraph 49 of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1975, chapter 9, section 4, is repealed.

s. 5 (1),
par. 67,
repealed

- (3) Paragraph 67 of subsection 1 of the said section 5, as enacted by the Statutes of Ontario, 1976, chapter 23, section 3, is repealed.

s. 42 (3),
amended

- 4. Subsection 3 of section 42 of the said Act, as enacted by the Statutes of Ontario, 1975, chapter 9, section 11 and amended by 1976, chapter 23, section 12, is further amended by adding thereto the following clause:

- (g) providing for the rebate of tax paid on parts that are used to increase the output or capacity of machinery and equipment, the purchase of which would be exempt by clause *a* of paragraph 38*a*

of subsection 1 of section 5 if the capacity or output of such machinery or equipment is increased by not less than 25 per cent of the original output or capacity specified for such machinery or equipment, and prescribing the conditions on which such rebate may be made and, where the Minister considers it appropriate, the method of calculating in any case or class of cases the increase in output or capacity necessary to meet the requirements of this clause.

- 5.—(1) Subsection 1 of section 13 of *The Retail Sales Tax Amendment Act, 1976*, being chapter 23, is amended by striking out "subsections 3, 4, 5 and 6 of section 1," in the first line and by striking out "and subsection 8 of section 3" in the second line. 1976, c. 23, s. 13 (1), amended
- (2) Subsection 3 of section 13 of the said Act is repealed. 1976, c. 23, s. 13 (3), repealed
6. Not later than the 1st day of January, 1978, the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs shall cause a review to be made respecting the impact on the public revenues, on job creation, unemployment, investment and growth of the productive sector of Ontario resulting from the operation of the exemptions created by paragraphs 38 and 38a of subsection 1 of section 5 of *The Retail Sales Tax Act*, as enacted by section 3 of this Act, and shall lay a report setting out the results of the review before the Assembly if it is in session or, if not, at the commencement of the next ensuing session. Review to be made and report tabled
- 7.—(1) This Act, except sections 1 and 2, subsections 1 and 3 of section 3, section 4 and section 5, comes into force on the day it receives Royal Assent. Commencement
- (2) Section 2 shall be deemed to have come into force on the 8th day of April, 1975. Idem
- (3) Section 1, subsection 3 of section 3, and section 5, shall be deemed to have come into force on the 14th day of April, 1976. Idem
- (4) Subsection 1 of section 3 and section 4 come into force on the 1st day of January, 1977. Idem
8. This Act may be cited as *The Retail Sales Tax Amendment Act, 1976* (No. 2). Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1976

ASSEMBLY PROROGUED December 16 1976

Robert Lewis
CLERK
LEGISLATIVE ASSEMBLY

BILL 1/0

An Act to amend
The Retail Sales Tax Act

1st Reading

November 23rd, 1976

2nd Reading

December 9th, 1976

3rd Reading

December 10th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

BILL 171

Pauline L. L. S. H.

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

The Funeral Services Act, 1976

THE HON. F. S. MILLER
Minister of Health

TORONTO

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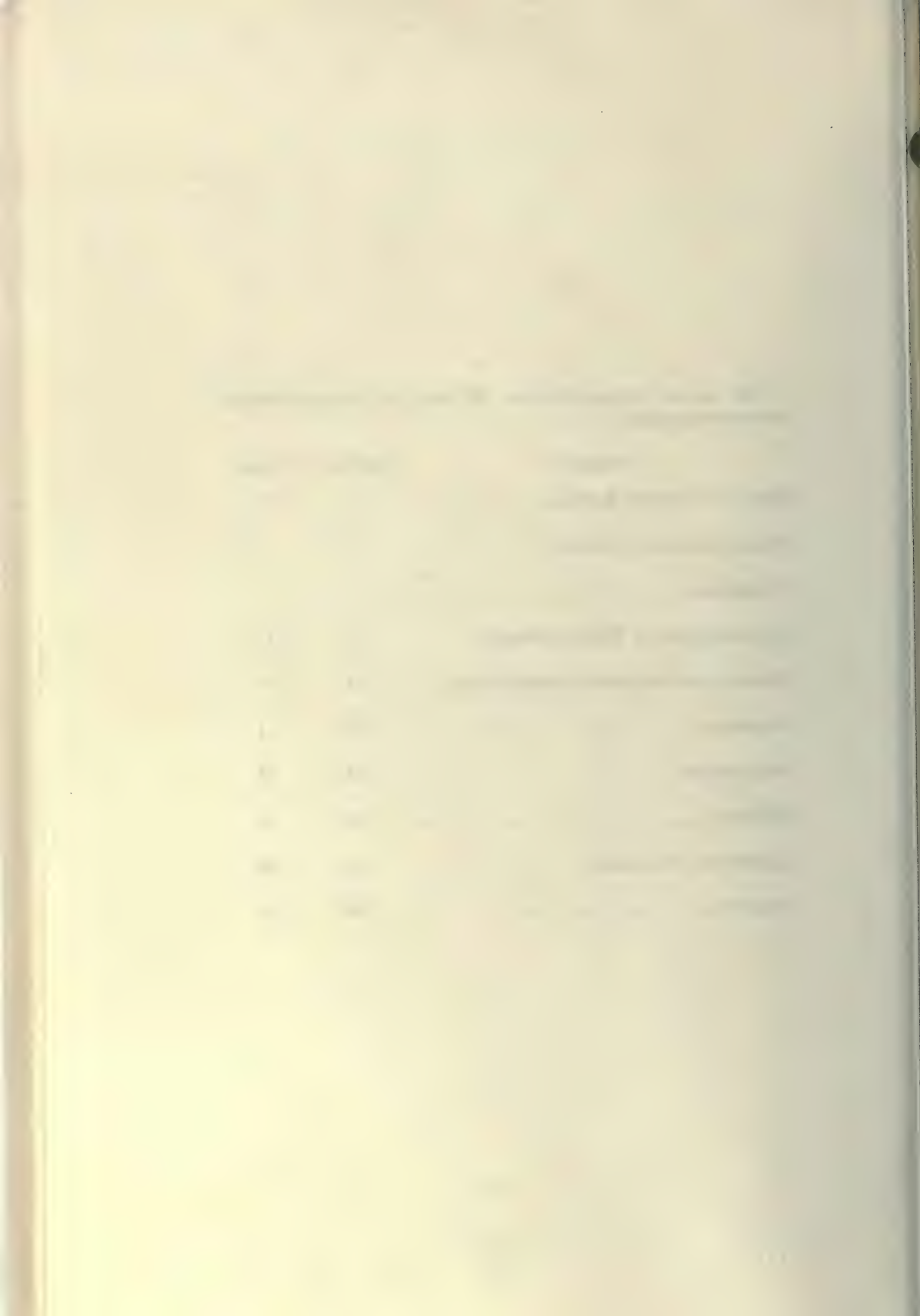
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The major subjects in the Bill may be located through the following table:

SUBJECT	SECTION	PAGE
Board of Funeral Services.....	2	2
Funeral director's licence.....	5	4
Committees.....	7	5
Funeral Services Review Board.....	15	12
Funeral services establishment licence...	24	18
Inspectors.....	31	23
Regulations.....	33	25
By-laws.....	34	28
Conditions of licences.....	36	30
Penalties.....	38	31



BILL 171

1976

The Funeral Services Act, 1976

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Funeral Services established under section 2;
- (b) "embalming" means the preservation of the dead human body, entire or in part, by any means, including the use of chemical substances, fluids or gases ordinarily used, prepared or intended for such purpose, either by the outward application of such chemical substances, fluids or gases on the body or by the introduction thereof into the body by vascular or hypodermic injection or by direct application into the organs or cavities;
- (c) "funeral director" means a person licensed under this Act to engage in providing or directing the providing of funeral services and funeral supplies to the public;
- (d) "funeral services" means the services usually provided by a funeral director;
- (e) "funeral services establishment" means a premises established or maintained for the purpose of providing funeral services or funeral supplies to the public;
- (f) "Minister" means the Minister of Health or such other member of the Executive Council to whom the administration of this Act may be assigned;
- (g) "Registrar" means the Registrar of the Board;
- (h) "regulations" means the regulations made under this Act;

- (i) "Review Board" means the Funeral Services Review Board established under section 15.

Board of
Funeral
Services
established

2.—(1) The Board of Funeral Services is established as a body corporate without share capital with power to acquire, hold and dispose of real and personal property for the purposes of this Act.

Composition

(2) The Board shall be composed of,

- (a) five funeral directors, one of whom is not licensed to establish or maintain and who does not direct the operation of a funeral services establishment, appointed by the Lieutenant Governor in Council; and
- (b) three persons who are not licensees under this Act and are appointed by the Lieutenant Governor in Council.

Term of
office

(3) The members of the Board shall be appointed to hold office for a term not exceeding three years and may be re-appointed for further successive terms but shall not be appointed and reappointed for more than six successive years.

Vacancy

(4) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member.

Quorum

(5) Three members of the Board, at least one of whom shall be a member appointed under clause *b* of subsection 2, constitute a quorum.

Officers

(6) The members of the Board shall appoint from among the members of the Board the chairman, the vice-chairman and the secretary-treasurer of the Board.

Expenses and
remuneration
of members
of Board

(7) The members of the Board,

- (a) appointed under clause *a* of subsection 2, shall be paid by the Board such expenses and remuneration as are prescribed by the regulations; and
- (b) appointed under clause *b* of subsection 2, shall be paid, out of the moneys appropriated therefor by the Legislature, such expenses and remuneration as are determined by the Lieutenant Governor in Council.

Annual
report

(8) The Board shall deliver to the Minister each year an annual report on the affairs of the Board and the Minister shall submit the report to the Lieutenant Governor in

Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(9) All assets and liabilities of the Board of Administration appointed under *The Embalmers and Funeral Directors Act*, being chapter 144 of the Revised Statutes of Ontario, 1970, vest in and are binding upon the Board of Funeral Services. Transfer of assets and liabilities

(10) A reference in any Act, regulation, agreement or document to the Board of Administration shall be deemed to be a reference to the Board of Funeral Services. Amendment of references

3. The Board shall appoint a Registrar and may employ Staff such other officers and such clerks and other employees and retain such assistance as is considered necessary and may determine their salary, remuneration and terms and conditions of employment.

4.—(1) The objects of the Board are, Objects of Board

- (a) to regulate the practices of funeral directors in accordance with this Act and the regulations;
- (b) to regulate funeral services establishments in accordance with this Act and the regulations;
- (c) to establish, maintain and develop standards of knowledge and skill among funeral directors;
- (d) to establish, maintain and develop standards of qualification and practice for the practice of funeral directors;
- (e) to establish, maintain and develop standards of qualification for funeral services establishments;
- (f) to establish, maintain and develop standards of professional ethics among funeral directors and funeral services establishment licensees;
- (g) to administer this Act and perform such other duties and exercise such other powers as are imposed or conferred on the Board by or under this Act or the regulations or by any other Act,

in order that the public interest may be served and protected.

(2) The Board shall, Duties

- (a) review the operation of this Act and the regulations and make recommendations to the Minister thereon;
- (b) approve or set courses of study and examinations for the qualification of applicants for licences.

Funeral
director's
licence

5.—(1) No person shall engage in or hold himself out as engaging in providing funeral services or funeral supplies or both to the public unless he is licensed as a funeral director under this Act.

Embalming

(2) No person other than a funeral director shall perform embalming.

Proof of
performance

(3) For the purposes of subsection 1, proof of the performance of one act in providing funeral services or funeral supplies or both to the public on one occasion is sufficient to establish engaging in providing funeral services or funeral supplies or both to the public.

Exceptions

(4) Subsections 1 and 2 do not apply,

- (a) to a student within a training program who is working under the supervision of a funeral director who is physically present;
- (b) to a student who is enrolled in a recognized course of funeral services education; or
- (c) in a sparsely settled area where a funeral director is not available.

Idem

(5) Subsection 2 does not apply to a student of, or a person employed in, a recognized school of medicine or anatomy.

Issuance
of licences

6.—(1) The Registrar shall issue a licence as a funeral director to any applicant therefor who is qualified under this Act and the regulations and has passed such examinations as the Board may set or approve, and the Registrar shall refer to the Licensing Committee every application for a licence as a funeral director that he proposes to refuse or to which he considers terms, conditions or limitations should be attached.

Powers and
duties of
Licensing
Committee

(2) The Licensing Committee,

- (a) shall determine the eligibility of applicants for licences as funeral directors and may require an

applicant to take and pass such additional examinations as the Board may set or approve and pay such fee therefor as the Licensing Committee fixes or to take such additional training as the Licensing Committee specifies; and

- (b) may exempt an applicant for a licence as a funeral director from any licensing requirement.

(3) The Licensing Committee may direct the Registrar ^{Idem} to issue or refuse to issue licences as funeral directors subject to such terms, conditions and limitations as the Licensing Committee specifies.

(4) The Licensing Committee may review the qualifications ^{Review of qualifications} of any funeral director and may impose a further term, condition or limitation on his licence pending the demonstration of such standard of competence through the completion of such experience, courses of study, or continuing education as the Licensing Committee specifies.

(5) The Registrar shall maintain one or more registers ^{Registers of funeral directors} in which is entered every person who is licensed as a funeral director, identifying the terms, conditions and limitations attached to the licence, and shall note on the register every revocation, suspension and cancellation of a licence and such other information as the Licensing Committee or Discipline Committee directs.

(6) Every person who was licensed or who held a permit ^{Continuance of licences and permits} under *The Embalmers and Funeral Directors Act*, being chapter 144 of the Revised Statutes of Ontario, 1970, immediately before this Act comes into force shall be deemed to be licensed as a funeral director under this Act, subject to any condition or limitation to which the licence or permit was subject.

(7) The Registrar may cancel a licence as a funeral director for non-payment of any prescribed fee after giving ^{Cancellation for default of fees} the licensee at least two months notice of the default and intention to cancel, subject to the continuing jurisdiction of the Board in respect of any disciplinary action arising out of his professional conduct while a licensee.

7.—(1) The Board shall establish and appoint as herein ^{Establishment of committees} after provided the following committees,

- (a) Executive Committee;
- (b) Licensing Committee;

(c) Complaints Committee;

(d) Discipline Committee,

and may establish such other committees as the Board from time to time considers necessary.

Vacancies (2) Where one or more vacancies occur in the membership of the Board or any committee, the members remaining in office constitute the Board or the committee so long as their number is not fewer than the prescribed quorum.

Executive Committee **8.**—(1) The Executive Committee shall be composed of three persons who are members of the Board of whom one shall be a person appointed under clause *b* of subsection 2 of section 2.

Quorum (2) Two members of the Executive Committee constitute a quorum.

Duties (3) The Executive Committee shall perform such functions of the Board as are delegated to it by the Board, the by-laws or this Act and, subject to ratification by the Board at its next ensuing meeting, may take action upon any other matter that requires immediate attention between meetings of the Board, other than to make, amend or revoke a regulation or by-law.

Licensing Committee **9.**—(1) The Licensing Committee shall be composed of three persons who are members of the Board, one of whom shall be a person appointed under clause *b* of subsection 2 of section 2.

Chairman (2) The Board shall name one member of the Licensing Committee to be chairman.

Quorum (3) A majority of the members of the Licensing Committee constitutes a quorum.

Complaints Committee **10.**—(1) The Complaints Committee shall be composed of three persons who are members of the Board, one of whom shall be a person appointed to the Board under clause *b* of subsection 2 of section 2.

Idem (2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

Chairman (3) The Board shall name one member of the Complaints Committee to be chairman.

(4) A majority of the members of the Complaints Com-Quorum mittee constitutes a quorum.

11.—(1) The Complaints Committee shall consider and ^{Duties} investigate complaints regarding the conduct or actions of any funeral director, but no action shall be taken by the Committee under subsection 2 unless,

- (a) a written complaint has been filed with the Registrar and the funeral director whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations he may wish to make concerning the matter; and
- (b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

(2) The Committee in accordance with the information it ^{Idem} receives may,

- (a) direct that the matter be referred, in whole or in part, to the Discipline Committee or to the Executive Committee for the purposes of section 14; or
- (b) direct that the matter not be referred under clause *a*; or
- (c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations.

(3) The Committee shall give its decision in writing to ^{Decision and reasons} the Registrar for the purposes of section 17 and, where the decision is made under clause *b* of subsection 2, its reasons therefor.

12.—(1) The Discipline Committee shall be composed of ^{Discipline Committee} three members of the Board, of whom one shall be a person appointed under clause *b* of subsection 2 of section 2.

(2) A majority of the members of the Discipline Com-^{Quorum and votes} mittee, of whom one shall be a person appointed under clause *b* of subsection 2 of section 2, constitutes a quorum and all disciplinary decisions require the vote of a majority of the members of the Discipline Committee presiding at the hearing, but in the event of a tie vote the chairman shall have a second or casting vote.

Chairman (3) The Board shall name one member of the Discipline Committee to be its chairman.

Disability of lay member (4) Where a quorum of the Discipline Committee commences a hearing and the member thereof appointed under clause *b* of subsection 2 of section 2 is unable to continue to act, the remaining members may complete the hearing notwithstanding his absence.

Reference by Board or Executive Committee (5) Notwithstanding any other provision of this Act, the Board or the Executive Committee may direct the Discipline Committee to hold a hearing and determine any specified allegation of professional misconduct or incompetence on the part of a funeral director.

Duties of Discipline Committee

13.—(1) The Discipline Committee shall,

- (a) when so directed by the Board, Executive Committee or Complaints Committee, hear and determine allegations of professional misconduct or incompetence against any funeral director;
- (b) hear and determine matters referred to it by the Board, Registrar, Executive Committee or Complaints Committee pursuant to this Act; and
- (c) perform such other duties as are assigned to it by the Board.

Idem

(2) In the case of hearings into allegations of professional misconduct or incompetence, the Discipline Committee shall,

- (a) consider the allegations, hear the evidence and ascertain the facts of the case;
- (b) determine whether upon the evidence and the facts so ascertained the allegations have been proved;
- (c) determine whether in respect of the allegations so proved the funeral director is guilty of professional misconduct or incompetence;
- (d) determine the penalty to be imposed as hereinafter provided in cases in which it finds the funeral director guilty of professional misconduct or of incompetence.

Professional misconduct

(3) A funeral director may be found guilty of professional misconduct by the Committee if,

- (a) he has been found guilty of an offence relevant to his suitability to engage in the practice of a funeral director, upon proof of such conviction; or
- (b) he has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

(4) The Discipline Committee may find a funeral director ^{Incompetence} to be incompetent if in its opinion he has displayed in the providing or in directing the providing of funeral services or funeral supplies or in performing or supervising the performing of an embalming, a lack of knowledge, skill or judgment of a nature or to an extent that demonstrates he is unfit to continue in the practice of a funeral director.

(5) Where the Discipline Committee finds a funeral director ^{Powers of Discipline Committee} guilty of professional misconduct or incompetence, it may by order,

- (a) revoke the licence of the funeral director;
- (b) suspend the licence of the funeral director for a stated period;
- (c) impose such restrictions on the licence of the funeral director for such a period and subject to such conditions as the Committee designates;
- (d) reprimand the funeral director, and if deemed warranted, direct that the fact of such reprimand be recorded on the register;
- (e) impose such fine as the Committee considers appropriate to a maximum of \$5,000 to be paid by the funeral director to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;
- (f) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as the Committee designates,

or any combination thereof.

(6) Where the Discipline Committee is of the opinion that ^{Costs} the commencement of the proceedings was unwarranted, the Committee may order that the Board reimburse the funeral director for his costs or such portion thereof as the Discipline Committee fixes.

Stay on
appeal for
incompetence

(7) Where the Discipline Committee revokes, suspends or restricts a funeral director's licence on the grounds of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision.

Stay on
appeal for
professional
misconduct

(8) Where the Discipline Committee revokes, suspends or restricts a licence on grounds other than for incompetence, the order shall not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned.

Service of
decision of
Discipline
Committee

(9) Where the Discipline Committee finds a funeral director guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the funeral director.

Continuation
on expiry of
Committee
membership

(10) Where a proceeding is commenced before the Discipline Committee and the term of office on the Board or on the Committee of a member sitting for the hearing expires or is terminated before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated.

Interpre-
tation

14.—(1) In this section,

(a) "board of inquiry" means a board of inquiry appointed by the Executive Committee under subsection 2;

(b) "incapacitated funeral director" means a funeral director suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the funeral director that he no longer be permitted to engage in the practice of a funeral director or that his practice be restricted.

Reference
to board
of inquiry

(2) Where the Registrar receives information leading him to believe that a funeral director may be an incapacitated funeral director he shall make such inquiry as he considers appropriate and report to the Executive Committee who may, upon notice to the funeral director, appoint a board of inquiry composed of at least two funeral directors and one member of the Board appointed under clause *b* of subsection 2 of section 2 who shall inquire into the matter.

(3) The board of inquiry shall make such inquiries as it ^{Examination} considers appropriate and may require the funeral director to submit to physical or mental examination by such qualified person as the board designates and if the funeral director refuses or fails to submit to such examination, the board may order that his licence as a funeral director be suspended until he complies.

(4) The board of inquiry shall report its findings to the ^{Hearing by} Executive Committee and deliver a copy thereof and a copy ^{Licensing} of any medical report obtained under subsection 3 to the ^{Committee} funeral director about whom the report is made and, if in the opinion of the Executive Committee, the evidence so warrants, the Executive Committee shall refer the matter to the Licensing Committee to hold a hearing and may suspend the funeral director's licence until the determination of the question of his capacity becomes final.

(5) The Board, the person whose capacity is being in- ^{Parties} vestigated and any other person specified by the Licensing Committee are parties to the hearing.

(6) A legally qualified medical practitioner is not com- ^{Medical} pellable to produce at the hearing his case histories, notes ^{evidence} or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceedings,

(a) where the evidence is required by the Board, at least five days before the hearing commences; and

(b) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

(7) The Licensing Committee shall, after the hearing,

^{Powers of}
^{Licensing}
^{Committee}

(a) make a finding as to whether or not the funeral director is an incapacitated funeral director; and

(b) where the funeral director is found to be an incapacitated funeral director by order,

(i) revoke his licence as a funeral director,

(ii) suspend his licence as a funeral director for such period as the Committee considers appropriate, or

(iii) attach such terms and conditions to the licence as a funeral director as the Committee considers appropriate.

Appeals

(8) Any party to the proceedings before the Licensing Committee under this section may appeal from its decision or order to the Supreme Court in accordance with the rules of court and the provisions of section 22 apply *mutatis mutandis* as if it were an appeal from a decision or order of the Discipline Committee.

Funeral Services Review Board

15.—(1) There is hereby established a board to be known as the Funeral Services Review Board.

Composition

(2) The Review Board shall be composed of not fewer than three and not more than seven members who shall be appointed by the Lieutenant Governor in Council and the Lieutenant Governor in Council shall designate one of the members of the Review Board to be chairman and one to be vice-chairman.

Disqualification

(3) No person who is employed in the public service of Ontario or of any agency of the Crown, or who is or has been a member of the governing body of a health discipline or who is or has been licensed under this Act or licensed or registered under any Act governing a health practice shall be a member of the Review Board.

Term

(4) The members of the first Review Board may be appointed for a term of one, two or three years and thereafter appointments and reappointments shall be for a term of three years.

Vacancies

(5) Every vacancy on the Review Board caused by the death, resignation or incapacity of a member, may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member.

Quorum

(6) A majority of the members of the Review Board constitutes a quorum.

(7) The members of the Review Board shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council. Remuneration

(8) The Review Board may prescribe and adopt a seal. Seal

(9) Such employees as are necessary to carry out the duties of the Review Board under this Act shall be employed under *The Public Service Act*. Review Board employees
R.S.O. 1970,
c. 386

16.—(1) The Review Board shall, Duties of Review Board

(a) conduct such hearings and perform such duties as are assigned to it by or under this Act; and

(b) submit an annual report on its activities to the Minister which shall include such additional information as the Minister may require and the Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

(2) The Review Board may obtain expert or professional advice in connection with a hearing or complaint but the adviser shall be a person independent of, Expert advice

(a) the parties in the case of a hearing; or

(b) the complainant and the licensee complained against in the case of a complaint,

and in the case of a hearing, the nature of the advice shall be made known to the parties in order that they may make submissions as to the advice.

17.—(1) Where the Complaints Committee has made a disposition of a complaint respecting a funeral director in accordance with the provisions of this Act, the Registrar shall send to the funeral director and to the complainant by prepaid first class mail, a copy of the written decision made by the Complaints Committee including reasons therefor, if any, together with notice advising the complainant of his right of review under subsection 2. Complaints

(2) A complainant or the funeral director complained against who is not satisfied with the decision made by the Complaints Committee disposing of a complaint, except a decision to refer a matter to the Discipline Committee, may within twenty days of receipt of the written decision Review of complaints

request the Review Board to review the decision and the Review Board shall require the Registrar to transmit to the Review Board within fifteen days of the Review Board's request, a record of the investigation and all such documents and things upon which the decision was based and the Review Board shall review the decision after giving the complainant an opportunity to state his complaint and the funeral director an opportunity to state his answer thereto, either personally, by his agent or in writing.

Investigation of complaint by Review Board

18. Where a complaint respecting a funeral director has not been disposed of by the Complaints Committee within sixty days after the complaint is made, the Review Board upon application therefor may require the Complaints Committee to make an investigation and, where the investigation of the complaint has not been undertaken, completed and reported on to the Review Board by the Committee within sixty days after the Review Board's request, the Review Board shall undertake such investigation and possesses all the powers of investigation that the Complaints Committee or the Registrar has conferred upon it or him in this Act.

Powers of Review Board after review or investigation of complaint

19.—(1) The Review Board may after review or investigation of a complaint under section 17 or 18, refer the complaint to the Complaints Committee and the Review Board may,

- (a) confirm the decision, if any, made by the Complaints Committee;
- (b) make such recommendations to the Complaints Committee as the Review Board considers appropriate; or
- (c) require the Complaints Committee to take such action or proceedings as the Committee is authorized to undertake under this Act.

Review Board quorum

(2) A majority of the members of the Review Board constitute a quorum for purposes of investigation or review of a complaint or for a hearing.

Decision and reasons

(3) The Review Board shall give its decision and reasons therefor in writing to the complainant and the funeral director complained against.

Notice of proposal to refuse registration

20.—(1) Where the Licensing Committee proposes to refuse to grant a funeral director's licence to an applicant, or proposes to attach terms, conditions or limitations to a

licence, the Registrar on behalf of the Committee shall serve notice of the proposal of the Committee, together with written reasons therefor, on the applicant or licensee and a copy thereof to the Review Board.

(2) Subsection 1 does not apply to a refusal to grant a licence to a person who was previously licensed and whose licence was suspended or revoked as a result of a decision of the Discipline Committee. Exemptions

(3) A notice under subsection 1 shall inform the applicant or licensee that he is entitled to a hearing by the Review Board or to a review by the Review Board of his application and documentary evidence in support thereof without oral evidence, if he mails or delivers within fifteen days after the notice under subsection 1 is served on him, notice in writing to the Review Board requiring a hearing or such review by the Review Board, as he specifies. Notice requiring hearing or review

(4) Where an applicant or licensee does not require a hearing or review by the Review Board in accordance with subsection 3, the Review Board shall so notify the Licensing Committee and the Committee may carry out the proposal stated in its notice under subsection 1. Powers of Licensing Committee where hearing or review

(5) The findings of fact of the Review Board pursuant to a hearing or review shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act*, 1971, c. 47 1971. Findings of fact

(6) The provisions of subsections 2 to 5 and subsections 7 and 8 of section 21 apply *mutatis mutandis* to proceedings before the Review Board under this section. Procedures on hearings

(7) The Review Board shall, after the hearing or review, Powers of Review Board upon hearing or review

(a) confirm the proposed decision of the Licensing Committee; or

(b) require the Licensing Committee to permit the applicant to take qualifying examinations or additional training as a condition for licensing, or both as specified by the Licensing Committee; or

(c) require the Licensing Committee to direct the Registrar to register the applicant on any appropriate register subject to such conditions as the Review Board considers appropriate in cases where the Review Board finds that the applicant meets the

requirements for licensing and that the Committee has exercised its powers improperly; or

- (d) refer the matter back to the Licensing Committee for further consideration and the Review Board may make such recommendations as it considers appropriate in the circumstances.

Parties

(8) The Licensing Committee and the applicant or licensee are parties to proceedings before the Review Board under this section.

Appeals

(9) Any party to proceedings before the Review Board under this section may appeal from its decision or order to the Supreme Court in accordance with the rules of court and the provisions of section 22 apply *mutatis mutandis* as if it were an appeal from a decision or order of the Discipline Committee.

Parties to discipline proceedings

21.—(1) In proceedings before the Discipline Committee, the Board and the funeral director whose conduct is being investigated in the proceedings are parties to the proceedings.

Examination of documentary evidence

(2) A funeral director whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which shall be given in evidence at the hearing.

Members holding hearing not to have taken part in investigation, etc.

(3) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Board considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Committee may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

**In camera
1971, c. 47**

(4) Notwithstanding anything in *The Statutory Powers Procedure Act, 1971*, hearings of the Discipline Committee shall be held *in camera*, but, if the person whose conduct is being investigated requests otherwise by a notice delivered to the Registrar before the day fixed for the hearing, the

Committee shall conduct the hearing in public except where,

(a) matters involving public security may be disclosed;
or

(b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

(5) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies or a transcript thereof shall be furnished only to the parties at their own cost. Recording of evidence

(6) Notwithstanding *The Statutory Powers Procedure Act, 1971* nothing is admissible in evidence before the Discipline Committee that would be inadmissible in a court in a civil case and the findings of the Discipline Committee shall be based exclusively on evidence admitted before it. Evidence 1971, c. 47

(7) No member of the Discipline Committee shall participate in a decision of the committee pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties. Only members at hearing to participate in decision

(8) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the person who produced them, be released to him by the Committee within a reasonable time after the matter in issue has been finally determined. Release of documentary evidence

22.—(1) Any party to proceedings before the Discipline Committee may appeal from its decision or order to the Supreme Court in accordance with the rules of court. Appeal to court

(2) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Committee appealed from and may exercise all powers of the Committee and may direct the Committee or the Board to take any action which the Committee or the Board may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the Committee, or the court may refer the matter back to the Committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper. Powers of court on appeal

Restoration
of licence

23.—(1) A person whose licence as a funeral director has been revoked or suspended for cause under this Act, or whose licence or permit was suspended or cancelled for cause under a predecessor of this Act, may apply in writing to the Registrar for the issuance of a licence as a funeral director or removal of the suspension, but such application shall not be made sooner than one year after the revocation or, where the suspension is for more than one year, one year after the suspension.

Reference to
Discipline
Committee or
Licensing
Committee

(2) The Registrar shall refer the application to the Discipline Committee or, where the revocation or suspension was on the grounds of incapacity, to the Licensing Committee, which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Board and to the former licensee.

Procedures

(3) The provisions of this Act applying to proceedings of the Review Board on hearings and review in respect of applications for registration, except subsection 9 of section 20 apply, *mutatis mutandis*, to proceedings of the Licensing Committee and Discipline Committee under this section.

Funeral
services
establish-
ment
licence

24.—(1) No person shall establish or maintain in any premises a funeral services establishment except under the authority of a licence issued to him in respect of the premises by the Registrar under this Act, and the Registrar may issue a licence for a funeral services establishment subject to such conditions as the Registrar may specify in the licence.

Issuance
of funeral
services
establish-
ment
licence

(2) Subject to subsection 3 and section 25, any person who applies in accordance with the regulations for a licence to establish and maintain in a specified premises a funeral services establishment and who meets the requirements of this Act and the regulations is entitled to be issued the licence in respect of the premises.

Idem,
corporations

(3) The Registrar shall not issue a funeral services establishment licence to a corporation unless,

(a) each one of a majority of the directors of the corporation is a Canadian citizen or a resident of Ontario; and

(b) at least one of the directors of the corporation is a funeral director.

Grounds
for
refusal
of funeral
services
establish-
ment
licence

25. Subject to section 28, the Registrar may refuse to issue a funeral services establishment licence where, in his opinion,

- (a) the past conduct of the applicant or, where the applicant is a corporation, of its officers or directors affords reasonable grounds for belief that the funeral services establishment will not be operated or maintained in accordance with the law and with honesty and integrity;
- (b) the proposed funeral services establishment or its operation would contravene this Act or the regulations or any other Act or regulation or any municipal by-law respecting its establishment or location; or
- (c) the equipment and premises are not suitable for the providing of funeral services.

26. The Registrar may refuse to renew or may suspend or revoke a funeral services establishment licence,

Revocation
and
refusal
to renew

- (a) where any person has made a false statement in the application for the licence or a renewal thereof or in any certificate, report or other document or information that is signed by the licensee or a person authorized by the licensee and that is required to be furnished by this Act or the regulations or any other Act or regulation that applies to the funeral services establishment;
- (b) where there is a breach of a condition of the licence;
- (c) where the licensee does not comply with this Act or the regulations;
- (d) where a change in the officers or directors of any corporation that is a licensee would afford grounds for refusing to issue a funeral services establishment licence under clause *a* of section 25; or
- (e) for any reason that would disentitle the licensee to the issuance of a licence under section 25.

27.—(1) Where the Registrar issues a funeral services establishment licence and the licensee is dissatisfied with the conditions thereof prescribed by the Registrar, he may by written notice given to the Registrar and the Review Board require a hearing by the Review Board, and the Review Board shall appoint a time for and hold a hearing.

Hearing
re terms
of
licence

Decision
of Review
Board

(2) Pursuant to a hearing under subsection 1, the Review Board may affirm the conditions prescribed for the licence by the Registrar or may cancel such conditions or may prescribe such other conditions for the licence in the place of those prescribed by the Registrar as it considers proper and such conditions shall be conditions of the licence.

Proposal
to refuse
to issue
or renew
or to
revoke

28.—(1) Where the Registrar proposes to refuse to issue or renew or to revoke a funeral services establishment licence, the Registrar shall serve notice of his proposal, together with written reasons therefor, on the applicant or licensee, as the case may be.

Notice

(2) A notice under subsection 1 shall inform the applicant or licensee, as the case may be, that he is entitled to a hearing by the Review Board if he mails or delivers, within fifteen days after the notice under subsection 1 is served on him, notice in writing to the Registrar and the Review Board requiring a hearing by the Review Board and he may so require such a hearing.

Powers of
Registrar
where no
hearing

(3) Where the applicant or licensee does not require a hearing by the Review Board in accordance with subsection 2, the Registrar may carry out the proposal stated in the notice under subsection 1.

Power of
Review
Board
where
hearing

(4) Where the applicant or licensee requires a hearing by the Review Board in accordance with subsection 2, the Review Board shall appoint a time for and shall hold the hearing any may by order direct the Registrar to carry out his proposal or refrain from carrying out his proposal and to take such action as the Review Board considers the Registrar ought to take in accordance with this Act and the regulations, and for such purposes the Review Board may substitute its opinion for that of the Registrar.

Extension
of time
for
requiring
hearing

(5) The Review Board may extend the time for the giving of notice requiring a hearing by the applicant or licensee under this section either before or after the expiration of such time where it is satisfied that there are *prima facie* grounds for granting relief to the applicant or licensee pursuant to a hearing and that there are reasonable grounds for applying for the extension, and the Review Board may give such directions as it considers proper consequent upon the extension.

Continua-
tion of
licence
pending
renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before the expiry of the funeral services establishment licence, the licensee has applied for renewal

of the licence and paid the prescribed fee, the licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Registrar proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Review Board has expired and, where a hearing is required, until the Review Board has made its decision.

29.—(1) The Registrar, the applicant or licensee who has required the hearing and such other persons as the Review Board may specify are parties to proceedings before the Review Board under this Act. Parties

(2) Notice of a hearing under section 27 or 28 shall afford the applicant or licensee a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention, as the case may be, of the licence. Notice of hearing

(3) Any party to proceedings under section 27 or 28 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

(4) Members of the Review Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Review Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law. Members holding hearing not to have taken part in investigation, etc.

(5) The oral evidence taken before the Review Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court. Recording of evidence

(6) The findings of fact of the Review Board pursuant to a hearing shall be based exclusively on evidence admissible Findings of fact

1971, c. 47 or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.

Only
members at
hearing to
participate
in decision

(7) No member of the Review Board shall participate in a decision of the Review Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Review Board shall be given unless all members so present participate in the decision.

Release of
documentary
evidence

(8) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Review Board within a reasonable time after the matter in issue has been finally determined.

Appeal to
court

(9) Any party to the proceedings before the Review Board may appeal from its decision or order to the Supreme Court in accordance with the rules of court.

Record to
be filed
in court

(10) Where any party appeals from a decision or order of the Review Board, the Review Board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision was made, which, together with the transcript of evidence if it is not part of the Review Board's record, shall constitute the record in the appeal.

Powers of
court on
appeal

(11) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Review Board and may exercise all powers of the Review Board to direct the Registrar to take any action which the Review Board may direct him to take and as the court considers proper and for such purposes the court may substitute its opinion for that of the Registrar or of the Review Board, or the court may refer the matter back to the Review Board for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Licences
not
transferable

30.—(1) A funeral services establishment licence is not transferable.

Notice
of change

(2) Where the licensee is a corporation, the corporation shall notify the Registrar in writing within fifteen days of any change in the officers or directors of the corporation.

31.—(1) The Registrar may appoint in writing one or more persons as inspectors for the purposes of any section or portion of this Act or the whole or any portion or section of a regulation made under this Act that is referred to in the appointments, and, in an appointment, may limit the authority of an inspector in such manner as the Registrar considers necessary or advisable. Appointment
of
inspectors

(2) The Registrar shall issue to every inspector a certificate of his appointment and every inspector, in the execution of his duties under this Act and the regulations, shall produce his certificate of appointment upon request. Certificate
of
appointment

(3) An inspector may at any reasonable time enter upon the premises of a funeral services establishment to make an inspection to ensure that the provisions of this Act and the regulations are being complied with. Inspection

(4) Where an inspector has reasonable grounds to believe that any premises are being used by any person as a funeral services establishment in respect of which there is not a valid licence issued under this Act, the inspector may at any reasonable time enter upon the premises other than a residence of such person to make an inspection for the purpose of determining whether or not the person is in contravention of subsection 1 of section 24. Idem

(5) Where the Registrar has reasonable grounds to believe that a funeral director has committed an act of professional misconduct or incompetence, the Registrar may by order direct an inspector to make an investigation to ascertain whether such an act has occurred and the inspector shall report the result of his investigation to the Registrar. Investigation

(6) For purposes relevant to the subject-matter of an investigation under this section, the inspector making the investigation may inquire into and examine the premises and practice of the funeral director in respect of whom the investigation is being made and may, upon production of his appointment, enter at any reasonable time the premises other than a residence of such person and examine books, records, documents and things relevant to the subject-matter of the investigation, and for the purposes of the inquiry, the inspector has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to such inquiry as if it were an inquiry under that Act. Powers of
inspector

1971, c. 49

Obstruction
of
inspector

(7) No person shall obstruct an inspector making an investigation or an inspection under this section or withhold from him or conceal or destroy any book, record, document or thing relevant to the subject-matter of the investigation or inspection.

Search
warrant

(8) Where a provincial judge is satisfied upon an *ex parte* application by the person making an investigation or an inspection under this section,

- (a) that the investigation has been ordered and that such person has been directed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation; or
- (b) that the inspector has reasonable ground for believing that it is necessary to enter any building, dwelling, receptacle or place to ensure that the provisions of this Act and the regulations are being complied with or to determine whether or not any premises are being used as a funeral services establishment in respect of which there is not a valid licence issued under this Act,

the provincial judge may, whether or not an investigation or inspection has been attempted under subsection 3, 4 or 6, issue an order authorizing the person making the investigation or inspection, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for the books, records, documents or things referred to in clause *a* or for any books, records, documents or things related to the subject-matter of an inspection for a purpose mentioned in clause *b* and to examine such books, records, documents or things, but every such entry and search shall be made between sunrise and sunset unless the provincial judge, by the order, authorizes the person making the investigation or inspection to make the search at night.

Removal
of books,
etc.

(9) An inspector making an investigation or inspection under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under this section relating to the person whose business is being investigated or inspected and to the subject-matter

of the investigation or inspection for the purpose of making copies of such books, records, documents or things, but such copying shall be carried out with reasonable dispatch and the books, records, documents or things in question shall be promptly thereafter returned to the person whose business is being investigated or inspected.

(10) Any copy made as provided in subsection 9 and certified to be a true copy by the person making the investigation or inspection is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record, document or thing and its contents. Admissibility
of copies

(11) The Registrar shall report the results of an investigation ordered under subsection 5 to the Board or the Executive Committee or to such other committee as he considers appropriate. Report of
Registrar

32.—(1) Every person employed in the administration of this Act, including any person making an inquiry, investigation or inspection under section 31 and any member of the Board or a committee shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry, investigation or inspection under section 31 and shall not communicate any such matters to any other person except, Matters
confidential

(a) as may be required in connection with the administration of this Act and the regulations and by-laws or any proceedings under this Act or the regulations;

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

(2) No person to whom subsection 1 applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry, investigation or inspection except in a proceeding under this Act or the regulations or by-laws. Testimony
in civil
suit

33.—(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Board may make regulations, Regulations

- (a) governing applications for licences and renewals of licences;
- (b) prescribing classes of licences and governing the requirements and qualifications for the issuing of licences or any class thereof and prescribing the terms and conditions thereof;
- (c) providing for the expiration and renewal of funeral services establishment licences;
- (d) requiring the payment of annual fees by funeral directors and fees for the issuing of licences or any class thereof, for the renewals of licences or any class thereof, for the registration of students, and for examinations and continuing education, including penalties for late payment, and payment for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;
- (e) prescribing the qualifications for and conditions of registration of students and governing in-service training for students;
- (f) providing for a program of continuing education of funeral directors to maintain their standard of competence and requiring funeral directors to participate in such continuing education;
- (g) respecting the duties and authority of the Registrar;
- (h) prohibiting the providing or the directing of the providing of funeral services where there is a conflict of interest and defining the activities that constitute a conflict of interest for the purpose;
- (i) governing standards of practice for funeral directors and respecting the methods and materials that may be used for embalming;
- (j) defining professional misconduct for the purposes of this Act;
- (k) providing for the maintenance and inspection of registers of persons licensed to practice as funeral directors, of students and of persons licensed to establish and maintain funeral services establishments;

- (l) prescribing the records that shall be kept by funeral directors and by funeral services establishment licensees;
- (m) requiring and providing for the inspection and examination of the premises, records and equipment of funeral directors and funeral services establishments;
- (n) authorizing persons other than funeral directors to perform specified acts in the providing of funeral services under the supervision or direction of a funeral director;
- (o) providing for the compilation of statistical information on the supply, distribution and professional activities of funeral directors and funeral services establishments and requiring funeral directors and funeral services establishment licensees to provide the information necessary to compile such statistics;
- (p) respecting the reporting and publication of decisions in disciplinary matters;
- (q) prohibiting or governing the advertising of funeral services or funeral supplies and prohibiting or governing the display of funeral supplies to the public;
- (r) governing the construction, location, equipment, maintenance, hygienic practices and repair of and additions or alterations to funeral services establishments and governing the information, plans and materials that shall be furnished to the Registrar;
- (s) governing the equipment and hygienic practices for the transportation of dead human bodies;
- (t) regulating, controlling and prohibiting the use of terms, titles or designations by licensees under this Act in respect of their businesses or practices;
- (u) providing for the establishment and operation of an appraisal committee for the purposes of examining and assessing the standards of practice, qualifications and continuing education of licensees under this Act and reporting and making recommendations to the Board and to the Licensing Committee thereon;

- (v) prescribing forms and providing for their use;
- (w) providing for the exemption of any person from any provision of this Act or the regulations under such special circumstances in the public interest as the Board considers advisable and prescribing conditions that shall attach to such exemptions or to any such exemption;
- (x) prescribing the expenses and remuneration of members of the Board for the purpose of clause *a* of subsection 7 of section 2.

Regulations
by
Lieutenant
Governor in
Council

(2) Where the Minister requests in writing that the Board make, amend or revoke a regulation under subsection 1 and the Board has failed to do so within sixty days after the request, the Lieutenant Governor in Council may make the regulation, amendment or revocation specified in the request.

By-laws

34.—(1) The Board may pass by-laws relating to the administrative and domestic affairs of the Board not inconsistent with this Act and the regulations and without limiting the generality of the foregoing,

- (a) prescribing the seal of the Board;
- (b) providing for the execution of documents by the Board;
- (c) respecting banking and finance;
- (d) fixing the financial year of the Board and providing for the audit of the accounts and transactions of the Board;
- (e) respecting the calling, holding and conducting of meetings of the Board and the duties of members of the Board;
- (f) respecting the calling, holding and conducting of meetings of licensees;
- (g) providing for the appointment, composition, powers and duties of such additional or special committees as may be required;
- (h) delegating to the Executive Committee such powers and duties of the Board as are set out in the by-law,

other than the power to make, amend or revoke regulations and by-laws;

- (i) providing for a code of ethics;
 - (j) prescribing forms and providing for their use;
 - (k) providing procedures for the making, amending and revoking of the by-laws;
 - (l) respecting management of the property of the Board;
 - (m) respecting the application of the funds of the Board and the investment and reinvestment of any of its funds not immediately required, and for the safe-keeping of its securities;
 - (n) providing for the entering into arrangements by the Board for licensees respecting indemnity for professional liability and respecting the payment and remittance of premiums in connection therewith and prescribing levies to be paid by licensees and exempting licensees or any class thereof from all or part of any such levy;
 - (o) respecting membership of the Board in a national organization with similar functions, the payment of an annual assessment and provision for representatives at meetings;
 - (p) respecting all of the things that are considered necessary for the efficient conduct of the affairs of the Board.
- (2) A copy of the by-laws made under subsection 1 and amendments thereto, ^{Distribution of by-laws}
- (a) shall be forwarded to the Minister;
 - (b) shall be forwarded to each licensee; and
 - (c) shall be available for public inspection in the office of the Board.
- (3) At any time before or after receiving a copy of a by-law made under subsection 1 or an amendment thereto, the Minister may, by an order in writing, revoke or amend the by-law or amendment, but a by-law or amendment is effective until so revoked or amended and no act done or ^{Minister may revoke or amend by-laws}

right acquired under any such by-law before such revocation or amendment by the Minister is prejudicially affected by the revocation or amendment.

**Restraining
orders**

35.—(1) Where it appears to the Board that any person does not comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Board may apply to a judge of the High Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Supreme Court from an order made under subsection 1.

**Conditions
to funeral
director's
licence**

36.—(1) It is a condition of every licence as a funeral director,

- (a) that the licensee not direct the operation of more than one funeral services establishment;
- (b) that the licence be posted in a conspicuous place in a part of the funeral services establishment that is open to the public where the funeral director provides or directs the providing of funeral services or funeral supplies to the public;
- (c) that the funeral director have his principal place of residence,
 - (i) in the same municipality as the funeral services establishment where the funeral director provides or directs the providing of funeral services or funeral supplies to the public, or
 - (ii) in sufficient proximity to such funeral services establishment that the funeral director is able to comply with the standards of practice provided for funeral directors by the regulations.

**Conditions
to funeral
services
establish-
ment
licence**

(2) It is a condition of every licence to establish, operate and maintain a funeral services establishment,

- (a) that the operation of the funeral services establishment be under the direction of a funeral director;

- (b) that where the funeral services establishment is operated under a name other than the name of the funeral director who is directing the operation of the establishment, the name of the funeral director shall be stated on all stationery of and in all advertisements by the establishment;
- (c) that the funeral services establishment licence be posted in a conspicuous place in a part of the establishment that is open to the public;
- (d) where the licensee is a corporation,
 - (i) that each one of a majority of the directors of the corporation is a Canadian citizen or a resident of Ontario, and
 - (ii) that at least one of the directors of the corporation is a funeral director.

37. No person shall transport a dead human body out of Ontario unless it has been embalmed and prepared for transportation by a funeral director. Transportation of body out of Ontario

38.—(1) Every person who is in contravention of subsection 1 or 2 of section 5 or subsection 1 of section 24 is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$2,000 and for each subsequent offence to a fine of not more than \$2,000 or to imprisonment for a term of not more than six months, or to both. Penalties

(2) Every person who, not being a licensee under this Act, uses an occupational designation prescribed or prohibited by the regulations to be used by licensees or any class of licensees under this Act or a like designation is guilty of an offence and on summary conviction is liable for the first offence to a fine of not more than \$1,000 and for each subsequent offence to a fine of not more than \$2,000. Idem

(3) Every person who contravenes any provision of this Act or the regulations for which no penalty is otherwise provided is guilty of an offence and on summary conviction is liable to a fine not exceeding \$2,000. Idem

(4) Where a corporation is convicted of an offence under subsection 1, 2 or 3, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. Corporation

Directors
and
officers

(5) Where a corporation has been convicted of an offence under subsection 1, 2 or 3,

(a) each director of the corporation; and

(b) each officer, servant or agent of the corporation who was in whole or in part responsible for the conduct of that part of the business of the corporation that gave rise to the offence,

is a party to the offence unless he satisfies the court that he did not authorize, permit or acquiesce in the offence.

Falsifica-
tion of
certificates

39.—(1) Any person who makes or causes to be made any wilful falsification in any matter relating to a register or issues a false licence or a false certificate or document with respect to an entry in a register under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

Offences for
false
representa-
tion

(2) Any person who wilfully procures or attempts to procure himself to be licensed under this Act by knowingly making any false representation or declaration or by making a fraudulent representation or declaration, either orally or in writing, is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000 and every person knowingly aiding and assisting him therein is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000.

Onus of
proof
respecting
licensing

40. Where licensing under this Act is required to permit the lawful doing of any act or thing, if in any prosecution it is proven that the accused has done such act or thing, the burden of proving that he was so licensed under this Act rests upon the accused.

Limitation
for
malpractice
actions

41. No licensee under this Act is liable to any action arising out of negligence or malpractice in respect of professional services requested or rendered unless such action is commenced within one year from the date when the person commencing the action knew or ought to have known the fact or facts upon which he alleges negligence or malpractice.

Service of
notice

42. Except where otherwise provided, any notice or document required by this Act to be served may be served personally or by prepaid first class mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes

that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date.

43. Any statement containing information from the records required to be kept by the Registrar under this Act, pur-
Registrar's certificate as evidence
 reporting to be certified by the Registrar under the seal of the Board is admissible in evidence in all courts as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the Registrar and without proof of the seal.

44. No action or other proceeding for damages shall be instituted against the Review Board, the Board, a committee of the Board or any member of the Review Board, the Board or committee, or any officers, employees, agents or appointees of the Review Board or the Board for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.
Immunity of Review Board and committees

45. *The Embalmers and Funeral Directors Act*, being chapter 144 of the Revised Statutes of Ontario, 1970, is repealed.
Repeal

46. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.
Commencement

47. This Act may be cited as *The Funeral Services Act*, 1976.
Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis
 CLERK
 LEGISLATIVE ASSEMBLY

1. The first part of the paper discusses the importance of maintaining accurate records of all transactions. It is essential for the business to have a clear and concise record of all income and expenses, as this will be necessary for the preparation of the tax return. The records should be kept in a secure and accessible location, and should be updated regularly.

2. The second part of the paper discusses the importance of maintaining accurate records of all assets and liabilities. It is essential for the business to have a clear and concise record of all assets and liabilities, as this will be necessary for the preparation of the tax return. The records should be kept in a secure and accessible location, and should be updated regularly.

3. The third part of the paper discusses the importance of maintaining accurate records of all income and expenses. It is essential for the business to have a clear and concise record of all income and expenses, as this will be necessary for the preparation of the tax return. The records should be kept in a secure and accessible location, and should be updated regularly.

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7. The seventh part of the paper discusses the importance of maintaining accurate records of all income and expenses. It is essential for the business to have a clear and concise record of all income and expenses, as this will be necessary for the preparation of the tax return. The records should be kept in a secure and accessible location, and should be updated regularly.

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1875

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The Funeral Services Act, 1976

1st Reading

November 26th, 1976

2nd Reading

December 7th, 1976

3rd Reading

December 16th, 1976

THE HON F. S. MILLER
Minister of Health

S. Pauline
BILL 187

By G. S. H. Hon

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act to amend
The Regional Municipality of
Hamilton-Wentworth Act, 1973**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 187

1976

**An Act to amend
The Regional Municipality of
Hamilton-Wentworth Act, 1973**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Regional Municipality of Hamilton-Wentworth Act, 1973*, Part III-A
(ss. 53a-53k),
enacted
being chapter 74, is amended by adding thereto the following Part:

PART III-A

PUBLIC TRANSPORTATION SYSTEM

53a. In this Part,

Interpre-
tation

- (a) "Commission" means the Hamilton Transit Commission;
- (b) "Company" means The Hamilton Street Railway Company;
- (c) "Corporation" means The Corporation of the City of Hamilton;
- (d) "deficit" means the cost of operating a transit service, less all applicable revenues and subsidies in respect of such service in an area municipality;
- (e) "public transportation service" means a service provided by vehicles operated either underground, above ground or on highways or rights-of-way on the ground surface for the transportation for compensation of passengers, or passengers and express freight that may be carried in such vehicles, but does not include taxi-cabs or vehicles operated on railroads governed by the laws of Canada or vehicles operated by or for the Province of Ontario;

- (f) "public transportation vehicle" means a vehicle owned and operated by the Company, including the subsidiary company, in providing public transportation service;
- (g) "Regional Public Transportation System" means the Regional Public Transportation System of The Regional Municipality of Hamilton-Wentworth;
- (h) "revenue miles" means actual miles travelled by a transit vehicle for the purpose of picking up and putting down passengers;
- (i) "subsidiary company" means The Canada Coach Lines, Limited and Safety Service and Adjusters Limited;
- (j) "Urban Transit Area" means the City of Hamilton or such greater area as may from time to time be defined by the Minister;
- (k) "Urban Transit Service Area" means an area as defined from time to time by the Minister of Transportation and Communications for such purposes as may be designated herein or by the Minister.

Public
transporta-
tion system
authorized

53b.—(1) The Regional Corporation is authorized to establish a public transportation system.

Regional
Corporation
may acquire
shares of
Company

(2) The Regional Corporation may by by-law of the Regional Council acquire all the shares of the Company held by the Commission or the Corporation and all other assets and liabilities of the Commission and the Corporation in respect of the shares of the Company without compensation except as provided in subsection 9, and the acquisition of such shares shall carry with it the ownership and control of the subsidiary company.

Board of
Directors
dissolved

(3) The Board of Directors of the Company and the subsidiary company are dissolved on the date on which the Regional Corporation acquires the shares of the Company under subsection 2.

Existing
debt

(4) Upon the acquisition of all the shares of the Company by the Regional Corporation, the Regional Corporation shall on or before the due date pay to the Corporation all amounts of principal and interest due on any outstanding debt with respect to such shares and if the Regional Corporation fails to make any payment required by this subsection on

or before the due date, the Regional Corporation may be charged interest by the Corporation at the rate of 12 per cent per annum thereof from such date until payment is made.

(5) The Commission shall be deemed to be dissolved on the day of the passing of the by-law under subsection 2. Commission dissolved

(6) No area municipality, except with the prior written approval of the Regional Corporation, shall establish a public transportation service after the day of the passing of the by-law under subsection 2. Area municipality not to establish transportation service

(7) Subject to subsection 5 of section 53*h*, no person shall operate or cause to be operated in the Urban Transit Service Area after the dissolution of the Commission a public transportation service without having first obtained written approval of the Regional Council and any other approvals required by provincial or federal laws. Public transportation service, approval of Regional Council

(8) Nothing in this Part shall be construed as limiting the right of the holder of an operating licence issued pursuant to *The Public Vehicles Act*, from operating a public transportation service according to the provisions of such licence through the Urban Transit Service Area or from or to any point within the Urban Transit Service Area. Saving R.S.O. 1970, c. 392

(9) If the whole, or a substantial part, of the assets of the subsidiary company, including any of its routes, are disposed of by the Regional Corporation, the equity of the Corporation in such assets shall be credited to the Corporation in a manner to be determined by the Regional Corporation and the Corporation, and, in the event agreement cannot be reached, the parties shall submit the matter to arbitration under *The Arbitrations Act*. Disposal of assets R.S.O. 1970, c. 25

(10) Public transportation service operated by the Company on the 1st day of January, 1977 outside the limits of the Urban Transit Area, as established under this Part shall by agreement between the Regional Council and the council of an area municipality be continued, discontinued, modified or varied Public transportation services to be continued

(11) Public transportation service in an area municipality not within the limits of the Urban Transit Area, as established under this Part, shall be provided at the request of the council of any area municipality at such cost as may be agreed upon and in the event that there is any dispute as to the cost of the provision of such service, the matter shall be submitted to the Municipal Board for determination. Public transportation service outside Urban Transit Area

R.S.O. 1970,
c. 392,
s. 5 (5),
not to apply

(12) Subsection 5 of section 5 of *The Public Vehicles Act* does not apply to the acquisition of the shares of the Company under this section.

Terms of
employment
continued

(13) The contractual relations in respect of terms of employment, including rates of pay, sick leave credits, holidays with pay and superannuation benefits existing on the 1st day of January, 1977, between the Company or the subsidiary company on the one hand and the employees of the Company or the subsidiary company on the other hand remain in force and are binding upon the Regional Corporation and the Board of Directors established under subsection 2 of section 53c, for the remainder of the term of any subsisting agreement or agreements in that regard.

Management,
regulation
and control
of Company
by Regional
Council

53c.—(1) The Regional Council upon the acquisition of the shares of the Company by the Regional Corporation in accordance with subsection 2 of section 53b shall have the right to hold and vote such shares and shall be solely responsible for the general management, regulation and control of the Company and the subsidiary company, including the provision of public transportation service to any area outside the Regional Area as such public transportation service exists on the 1st day of January, 1977, and the establishment of an appropriate fare structure for the provision of public transportation service within the Urban Transit Area as established under this Part.

Board of
Directors and
Regional
Municipality
of Hamilton-
Wentworth
Transit
Commission

(2) The Regional Council shall appoint a Board of Directors for the Company and the subsidiary company, whose term of office shall be concurrent with the term of office of the Regional Council, composed of five members of the Regional Council representing the City of Hamilton, four members of the Regional Council representing the remaining area municipalities and the Chairman of the Regional Council, *ex officio*, and such Board of Directors shall be a commission to be known as "The Regional Municipality of Hamilton-Wentworth Transit Commission".

Operation and
management
of Transporta-
tion System

(3) The Commission established under subsection 2 shall operate and manage the Regional Public Transportation System in accordance with the powers and duties delegated to it by by-law of the Regional Council.

Commission
dissolved

(4) The Commission established under subsection 2 is dissolved on the 31st day of December, 1979, and thereafter no transit commission shall be established to operate and manage the Regional Public Transportation System,

but the Board of Directors shall continue and be appointed from among the members of the Regional Council in such manner as may be prescribed by the Regional Council.

(5) The Regional Corporation may borrow such sums of money as are required by the Company and the subsidiary company for the purposes of providing the public transportation service. ^{Borrowing powers}

53d.—(1) The City of Hamilton is established as the Urban Transit Area. ^{Urban Transit Area}

(2) The boundaries of the Urban Transit Area may be altered from time to time by the Minister upon application made by the Regional Council, provided that the Urban Transit Area shall always comprise at least the City of Hamilton, and the council of any area municipality affected by such application may make representations thereon to the Minister. ^{Alteration of Urban Transit Area}

53e.—(1) The Regional Council may by by-law levy against such of the area municipalities as are wholly or partly within the Urban Transit Area the sums required to meet any deficit arising out of the operation of the Regional Public Transportation System within the Urban Transit Area, and such by-law may include any expenditures made by the Regional Corporation required for the provision, planning or improvement of the Regional Public Transportation System in the Regional Area and such levy may also include any expenditures made by the Regional Corporation for the provision, planning or improvement of service provided to such area municipality, or any part or parts thereof, the costs of providing public transportation service to such area municipality, the revenue miles in such area municipality, actual deficits, or the combination thereof pertaining to such area municipality and such other factors that are in the opinion of the Regional Council relevant to such apportionment. ^{Levy for deficit against area municipalities within Urban Transit Area}

(2) The Regional Council may in its levy under sub-section 1 of section 81 include any sums required to provide for any deficit arising out of the operation of the Regional Public Transportation System outside the limits of the Regional Area in so far as such provision has not been provided for in the agreement entered into under subsection 11 of section 53b. ^{Levy under s. 81 (1)}

(3) The provisions of section 81 pertaining to equalized assessment apply *mutatis mutandis* to the calculation of any levy made under this Part. ^{Application of s. 81}

Notice of
by-law and
appeal to
O.M.B.

(4) The clerk of the Regional Council shall within ten days of the passing of a by-law under subsection 1 give written notice to the clerk of each area municipality affected by such by-law of the terms of such by-law and the area municipality may within thirty days of receipt of such notice, appeal the levy under such by-law to the Municipal Board for determination.

Levy of
special rate
by area
municipality

(5) An area municipality may pay the amounts charged to it under a by-law passed under subsection 1, or under an agreement entered into under this Part, out of its general funds, or subject to the approval of the Municipal Board may pass one or more by-laws to impose a special rate or rates in one or more defined areas of the area municipality to raise the whole or any part of the amounts charged to such area municipality.

Deemed
tax

(6) Where a special rate is levied under subsection 5, such amount shall be deemed to be a tax and collectable in the same manner as municipal taxes.

Parking
lots

53f.—(1) The Regional Council may establish, construct, manage and operate parking lots and structures for the parking of vehicles in connection with the Regional Public Transportation System and charge fees for parking therein and the Regional Council may pass by-laws to regulate and control the parking of vehicles therein and thereon.

Powers of
Regional
Council

(2) The Regional Council may, by by-law,

(a) acquire by purchase or otherwise, without the approval of the Municipal Board, the transportation facilities and equipment of any person or area municipality;

(b) acquire, by purchase or otherwise, any real or personal property required for its public transportation service; and

R.S.O. 1970,
c. 392

(c) subject to *The Public Vehicles Act*, provide public transportation service beyond the Regional Area throughout Ontario, and whether by chartered trips or otherwise, outside Ontario, subject to compliance with the laws of all jurisdictions in which such public transportation service or chartered trips are to operate.

Auditors

53g.—(1) The auditors of the Regional Corporation shall be the auditors of the Company and the subsidiary company.

(2) *The Municipal Franchises Act* does not apply to the public transportation service operated by the Regional Corporation within the Regional Area.

Non-application of R.S.O. 1970, c. 289

53h.—(1) The Regional Council shall apply to the Minister of Transportation and Communications for the establishment of an area within the Regional Area as an Urban Transit Service Area and such Area when established shall be deemed to be an urban municipality for the purposes of *The Public Vehicles Act*.

Application for establishment of Urban Transit Service Area
R.S.O. 1970, c. 392

(2) Each area municipality shall, subject to subsection 1, be deemed to be an urban municipality for the purposes of *The Public Vehicles Act*.

Area municipality deemed urban municipality

(3) The Minister of Transportation and Communications may by order establish an Urban Transit Service Area upon application by the Regional Council and may refer the application to the Ontario Highway Transportation Board for a report thereon.

Establishment of Urban Transit Service Area

(4) The Regional Council, the council of any area municipality and the holder of an operating licence under *The Public Vehicles Act* that notify the Ontario Highway Transportation Board that they desire a hearing in respect of the application shall be parties to the hearing before the Board.

Parties to hearing

(5) Nothing in this Part affects the rights of any board of education to provide transportation services for the purposes for which such boards are entitled to transport persons nor any rights existing on the 1st day of January, 1977, of any duly licensed public transportation operator.

Existing rights not affected

53i. Any part of the Regional Public Transportation System operated by the Regional Council outside the Urban Transit Service Area but entirely within the Regional Area shall, subject to the approval of the Minister of Transportation and Communications, be exempt from the provisions of *The Public Vehicles Act*.

Exemption from R.S.O. 1970, c. 392

53j.—(1) The Regional Corporation may, consistent with the provisions of this Part, do all such acts and things as may be necessary to provide a public transportation service within the Regional Area and may exercise all the rights, powers and privileges conferred by any Act upon a local municipality, including any area municipality, with respect to the provision of public transit service, including, but without limiting the generality of the foregoing, the

General powers

right to enter into agreements with any area municipality for the maintenance or repair of any road or highway in an area municipality on which a public transportation vehicle is operated.

Reduced fares
or free
transporta-
tion

(2) Notwithstanding any other provision of this Part, the Regional Council may, in each year, pay such sums of money as may be sufficient to,

- (a) reduce the fares charged to the public or any part of the public served by the Regional Public Transportation System, in such amounts as the Regional Council may determine, and such payments shall be charged back to the area municipality for whose residents the payments were made; or
- (b) provide public transportation to any part or parts of the public free of charge as the Regional Council may determine.

Minister may
dissolve
Company and
subsidiary
company

53*k*. The Minister may by order on application of the Regional Council dissolve the Company and subsidiary company, on such terms and conditions as he considers advisable.

s. 115 (4),
amended

2.—(1) Subsection 4 of section 115 of the said Act is amended by striking out “paragraphs 90 and 116” in the second line and inserting in lieu thereof “paragraph 116”.

s. 115 (9, 10),
repealed

(2) Subsections 9 and 10 of the said section 115 are repealed.

Repeals

3. The following are repealed:

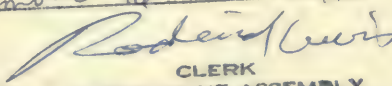
1. *The City of Hamilton Act, 1960*, being chapter 142.
2. Section 1 of *The City of Hamilton Act, 1966*, being chapter 171.
3. Section 2 of *The City of Hamilton Act, 1970*, being chapter 153.
4. Section 1 of *The City of Hamilton Act, 1971*, being chapter 113.
5. Section 3 of *The City of Hamilton Act, 1973*, being chapter 191.
6. *The City of Hamilton Act, 1974*, being chapter 143.

7. Section 2 of *The City of Hamilton Act, 1975*,
being chapter 97.

4. This Act comes into force on the 1st day of January, 1977. Commence-
ment
5. This Act may be cited as *The Regional Municipality of Hamilton-Wentworth Amendment Act, 1976*. Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 19 76

ASSEMBLY PROROGUED December 16 19 76


CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Regional Municipality of
Hamilton-Wentworth Act, 1973

1st Reading

December 10th, 1976

2nd Reading

December 14th, 1976

3rd Reading

December 16th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs

S. Pauline G. G. H.
BILL 189

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to establish the Unified Family Court

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL 189 OF THE LEGISLATIVE ASSEMBLY OF THE PROVINCE OF ONTARIO **1976**

**An Act to establish
the Unified Family Court**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

**Interpre-
tation**

- (a) "county court" includes a district court;
- (b) "Court" means the Unified Family Court;
- (c) "Judge" means a judge who may preside over the Court;
- (d) "judicial district" means the Judicial District of Hamilton-Wentworth.

2. There shall be a court of record in and for the Judicial District of Hamilton-Wentworth called the "Unified Family Court".

**Court
established**

3.—(1) The Unified Family Court shall be presided over by a judge or junior judge of a county court who is a local judge of the Supreme Court and who is authorized under subsection 2 to exercise the jurisdiction of a judge of a provincial court (family division).

**Presiding
Judges**

(2) The Lieutenant Governor in Council may authorize a judge or junior judge of a county court who is a local judge of the Supreme Court to exercise the jurisdiction of a judge of a provincial court (family division).

**Authority
for family
court
matters**

(3) All the jurisdiction of the Supreme Court or a judge thereof under the statutory provisions set out in the Schedule, other than by way of appeal, may be exercised by a local judge of the Supreme Court who is a Judge who may preside over the Unified Family Court.

**Jurisdiction
of local
judge of
Supreme
Court**

Exercise of
existing
jurisdiction

(4) A Judge shall exercise his jurisdiction as a local judge of the Supreme Court, a judge of a county court or a judge of a provincial court (family division) in the matters in which the Supreme Court, a county court or a provincial court (family division) or a judge thereof has jurisdiction under the statutory provisions set out in the Schedule.

Ex officio
justice of
the peace

(5) A Judge is *ex officio* a justice of the peace.

Proceedings
in Unified
Family Court

4.—(1) Proceedings taken in a court or before a judge in the judicial district under the statutory provisions set out in the Schedule, other than by way of appeal, shall be commenced and styled in the Unified Family Court and the jurisdiction of the court or judge shall be exercised in the Unified Family Court.

Assigned
jurisdiction

(2) The Unified Family Court has and may exercise such other jurisdiction as is conferred upon it by or under any Act.

Parens
patriae
powers

(3) The Court has and may exercise the same *parens patriae* powers as the Supreme Court in respect of any matter before it.

Jurisdiction
exercised by
Judges

(4) The jurisdiction of the Court shall be exercised by a Judge.

Consent to
jurisdiction

5. Where a proceeding is commenced in the Unified Family Court in a matter over which jurisdiction may be exercised in the Unified Family Court and is combined with a related matter in the jurisdiction of the Judge but respecting which jurisdiction may not be exercised in the Unified Family Court, the Court may, by leave of the Judge and with the consent of the parties, determine and dispose of the combined matters.

Court
offices

6.—(1) The Court shall have an office and hold sittings in the judicial district.

No jury

(2) All proceedings commenced in or transferred to the Court shall be heard and determined without a jury.

Powers

7.—(1) In all proceedings in which jurisdiction may be exercised in the Court, the Court has the same powers and duties as the Supreme Court to conduct its proceedings, grant remedies and enforce its judgments, orders and other process.

Application
of
R.S.O. 1970,
c. 228,
ss. 27, 35, 38,
41, 80, 82, 119

(2) Sections 27, 35, 38, 41, 80, 82 and 119 of *The Judicature Act* apply to the Court and to Judges presiding in the Court, with necessary modifications.

8.—(1) Proceedings under section 4 may be commenced in the Court where the applicant or the respondent resides in the judicial district. Place where proceedings commenced

(2) A Judge may, upon application, order that a proceeding commenced in the Unified Family Court be transferred to the appropriate court in a place where there is no Unified Family Court where, in the opinion of the Judge, there is a preponderance of convenience for the matter to be dealt with by that court. Transfer to other court

(3) A judge of a court having jurisdiction in a matter referred to in section 4 in a county or district other than the judicial district may, upon application, order that the proceeding in the matter be transferred to the Unified Family Court where, in the opinion of the judge, there is a preponderance of convenience for the matter to be dealt with by that Court. Transfer from other court

(4) A judge making an order under subsection 2 or 3 may give such directions for the transfer and order such costs as he considers appropriate. Directions and costs

9. The Court may exclude the public from a hearing, or any part thereof, where, in the opinion of the presiding Judge, the desirability of protecting against the consequences of possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public. Closed hearings

10.—(1) Where a proceeding is commenced in the Court in a matter respecting which jurisdiction may not be exercised in the Court, the Court may order by and to whom the costs of the proceeding shall be paid. Costs where no jurisdiction

(2) The Court may direct a reference to any officer of the Court in accordance with the rules of the Court. References

11.—(1) The Court may punish by fine or imprisonment, or by both, any wilful contempt of or resistance to its process, rules or orders, but the fine shall not in any case exceed \$1,000 nor shall the imprisonment exceed six months. Contempt

(2) The imposition of a penalty under subsection 1 may be made conditional upon default in the performance of an undertaking and an order for imprisonment may provide for the imprisonment to be served intermittently. Conditions of sentence

12. Where a Judge ceases to hold office, he may within eight weeks give judgment or make an order or decision Where Judge leaves office

in a proceeding previously heard by him as if he had continued in office.

Status of
orders

13. Any order or judgment of a Judge sitting in the Unified Family Court made in the exercise of his jurisdiction as a local judge of the Supreme Court or a judge of the county court is an order of the Supreme Court or the county court, respectively, for all purposes.

Appeals

14.—(1) Subject to subsection 2, any provision for an appeal from an order or decision made under the statutory provisions set out in the Schedule applies to the order or decision when made in the exercise of the jurisdiction by a Judge presiding over the Unified Family Court.

Idem

(2) Any provision for an appeal to a county court or a judge thereof from an order or decision made under the statutory provisions set out in the Schedule shall be deemed to provide for an appeal to a judge of the Supreme Court in accordance with the rules of that court and, on the appeal, the court may set aside the order and direct any other order to be entered or may direct a new trial and may make such other order as to costs and otherwise as appears just.

Idem

(3) Where no provision is made for an appeal from an order or decision of a Judge presiding over the Unified Family Court, an appeal lies,

(a) to the Court of Appeal from a final order or decision;

(b) to a judge of the Supreme Court from an interlocutory order or decision,

in accordance with the rules of the Supreme Court.

Criminal
jurisdiction
R.S.C. 1970,
c. C-34

15. A Judge presiding over the Unified Family Court has all the powers of a magistrate under the *Criminal Code* (Canada) for the purposes of proceedings under the *Criminal Code* (Canada) and the Court,

R.S.C. 1970,
c. J-3

(a) is a juvenile court for the purpose of dealing with juvenile delinquents under the *Juvenile Delinquents Act* (Canada) and has all the powers vested in a juvenile court under that Act; and

(b) has power to try any child charged with an offence against the laws of Ontario.

16. A clerk of the Court and such officers and employees as are considered necessary shall be appointed for the Court under *The Public Service Act*. Clerks,
officers and
employees
R.S.O. 1970,
c. 386

17.—(1) A detention and observation home may be established, maintained and operated as a part of the Court. Detention
and
observation
home

(2) A conciliation service may be established, maintained and operated as part of the Court. Conciliation
service

18. Every probation officer appointed for the Court has, while acting in the discharge of his duties, all the powers of a police constable. Powers of
probation
officers

19. Every Judge shall take and sign the following oath of office before commencing his duties: Oath of
office

I,, swear (or solemnly affirm) that I will truly and faithfully execute the duties, powers and trusts of a Judge presiding over the Unified Family Court, to the best of my skill and knowledge.

So help me God. (*Omit this line in an affirmation*).

20.—(1) The Lieutenant Governor in Council may make rules regulating any matters relating to the practice and procedure of the Court, including, without limiting the generality of the foregoing, Rules of
the Court

- (a) regulating the duties of officers of the Court;
- (b) regulating the costs of proceedings in the Court;
- (c) providing for the taxation of costs and prescribing tariffs therefor;
- (d) prescribing the seal of the Court;
- (e) designating referees and providing for references to referees and appeals therefrom;
- (f) prescribing and regulating the proceedings under any Act that confers jurisdiction upon the Court or a judge sitting therein;
- (g) governing the deposit in or payment or transfer into or out of the Court of any money or property or the dealing therewith;
- (h) allowing for service out of Ontario.

Idem

(2) Where provisions in respect of practice or procedure are contained in any Act, rules may be made adding to or modifying such provisions to any extent that is considered necessary for the equitable despatch of the business of the Court unless that power is expressly excluded.

Regulations

21. The Lieutenant Governor in Council may make regulations,

- (a) specifying the returns to be made by the Court;
- (b) providing for the safekeeping, inspection and destruction of books, documents and papers of the Court;
- (c) providing for a system of recording and transcribing evidence before the Court;
- (d) providing for the appointment and employment of stenographic reporters to record evidence before the Court and fixing their fees, expenses and other forms of remuneration;
- (e) prescribing the functions of and providing for the management of a detention and observation home and a conciliation service under this Act;
- (f) prescribing the duties of the officers and employees on the staff of the Court or of any class of such officers or employees;
- (g) providing for a system of statistical records relating to the Court;
- (h) requiring the payment of fees in respect of proceedings in the Court and prescribing the amounts thereof.

R.S.O. 1970,
c. 228,
s. 17 (2),
amended

22. Subsection 2 of section 17 of *The Judicature Act*, being chapter 228 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1971, chapter 57, section 1, is amended by inserting after "Act" where it occurs the second time in the first line "*The Unified Family Court Act, 1976*".

R.S.O. 1970,
c. 369,
s. 17 (1),
amended

23. Subsection 1 of section 17 of *The Provincial Courts Act*, being chapter 369 of the Revised Statutes of Ontario, 1970, is amended by inserting after "district" in the first line "except the Judicial District of Hamilton-Wentworth".

24. This Act is repealed on a day that is three years ^{Repeal} after it comes into force.

25. This Act comes into force on a day to be named by ^{Commence-} proclamation of the Lieutenant Governor. ^{ment}

26. This Act may be cited as *The Unified Family Court* ^{Short title} Act, 1976.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 19 76

ASSEMBLY PROROGUED December 16 19 76

Robert Lewis
CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE

<i>Statutes</i>	<i>Provisions</i>
<i>Annulment of Marriages Act (Ontario) (Canada)</i>	All
<i>Divorce Act (Canada)</i>	All
<i>Juvenile Delinquents Act (Canada)</i>	All
<i>The Child Welfare Act</i>	Parts II, III and IV
<i>The Children's Boarding Homes Act</i>	Section 10
<i>The Education Act, 1974</i>	Sections 29 and 30
<i>The Family Law Reform Act, 1976</i>	All except section 32
<i>The Infants Act</i>	All
<i>The Marriage Act, 1976</i>	Sections 6 and 9
<i>The Minors' Protection Act</i>	Section 2
<i>The Reciprocal Enforcement of Maintenance Orders Act</i>	All
<i>The Training Schools Act</i>	Section 9

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An Act to establish
the Unified Family Court

1st Reading

December 13th, 1976

2nd Reading

December 15th, 1976

3rd Reading

December 16th, 1976

THE HON. R. MCMURTRY
Attorney General

Pauline G. G. H.
BILL 190

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

An Act to amend The Judicature Act

THE HON. R. MCMURTRY
Attorney General

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL 190

1976

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 5 of *The Judicature Act*, being ^{s. 5 (1),} chapter 228 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1976, chapter 16, section 1, is further amended by striking out "thirty-six" in the amendment of 1976 and inserting in lieu thereof "thirty-seven".
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-}
^{ment}
3. This Act may be cited as *The Judicature Amendment Act*, ^{Short title}
1976.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1976

ASSEMBLY PROROGUED December 16 1976

Roderick Lewis

CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Judicature Act

1st Reading

December 13th, 1976

2nd Reading

December 15th, 1976

3rd Reading

December 15th, 1976

THE HON. R. MCMURTRY
Attorney General

S. Pauline L. L. L.
BILL 194

3RD SESSION, 30TH LEGISLATURE, ONTARIO
25 ELIZABETH II, 1976

**An Act for granting to Her Majesty certain
sums of money for the Public Service for the
fiscal year ending the 31st day of March, 1977**

THE HON. W. D. McKEOUGH
Treasurer of Ontario and Minister of Economics and
Intergovernmental Affairs

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL 194

1976

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal year ending the 31st day of March, 1977

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble Pauline M. McGibbon, Lieutenant Governor of the Province of Ontario, and the Honourable George A. Gale, Administrator of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1977; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue \$11,441,824,900 granted for fiscal year 1976-77 Fund a sum not exceeding in the whole \$11,441,824,900 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1976, to the 31st day of March, 1977, as set forth in the Schedule to this Act, and, subject to subsection 2, such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

(2) Where, in the fiscal year ending the 31st day of Exception March, 1977, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Manage-

ment Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Accounting
for
expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Supply Act, 1976*.

ASSENTED TO BY LIEUTENANT-GOVERNOR Dec 16 1976
ASSEMBLY PROROGUED December 16 1976

Robert Lewis
CLERK
LEGISLATIVE ASSEMBLY

SCHEDULE

	ESTIMATES	SUPPLE- MENTARY ESTIMATES	TOTAL
	\$	\$	\$
Office of the Lieutenant Governor.	89,000		89,000
Office of the Assembly.....	12,372,500	1,493,000	13,865,500
Office of the Premier.....	1,395,000		1,395,000
Cabinet Office.....	1,061,000		1,061,000
Management Board.....	179,600,000		179,600,000
Office of Provincial Auditor.....	1,593,000	95,000	1,688,000
Office of the Ombudsman.....	2,300,000	509,000	2,809,000
Government Services.....	291,309,500	2,400,000	293,709,500
Revenue.....	206,390,000		206,390,000
Treasury, Economics and Intergovernmental Affairs.....	474,331,000		474,331,000
Justice Policy.....	459,000		459,000
Attorney General.....	111,079,500	5,400,000	116,479,500
Consumer and Commercial Relations.....	64,330,000		64,330,000
Correctional Services.....	127,788,000		127,788,000
Solicitor General.....	128,863,000		128,863,000
Resources Development Policy....	3,374,000		3,374,000
Agriculture and Food.....	151,573,400		151,573,400
Energy.....	4,224,000		4,224,000
Environment.....	240,268,000	6,363,000	246,631,000
Housing.....	471,784,000	1,500,000	473,284,000
Industry and Tourism.....	62,646,000		62,646,000
Labour.....	18,788,000		18,788,000
Natural Resources.....	211,498,000	19,750,000	231,248,000
Transportation and Communications.....	984,673,000		984,673,000
Social Development Policy.....	2,015,000		2,015,000
Colleges and Universities.....	1,167,757,000		1,167,757,000
Community and Social Services...	985,473,000		985,473,000
Culture and Recreation.....	143,780,000	6,178,000	149,958,000
Education.....	1,855,593,000		1,855,593,000
Health.....	3,374,695,000	117,035,000	3,491,730,000
TOTAL.....	\$ 11,281,101,900	\$ 160,723,000	\$ 11,441,824,900



An Act for granting to Her Majesty
certain sums of money for the Public
Service for the fiscal year ending the
31st day of March, 1977

1st Reading

December 16th, 1976

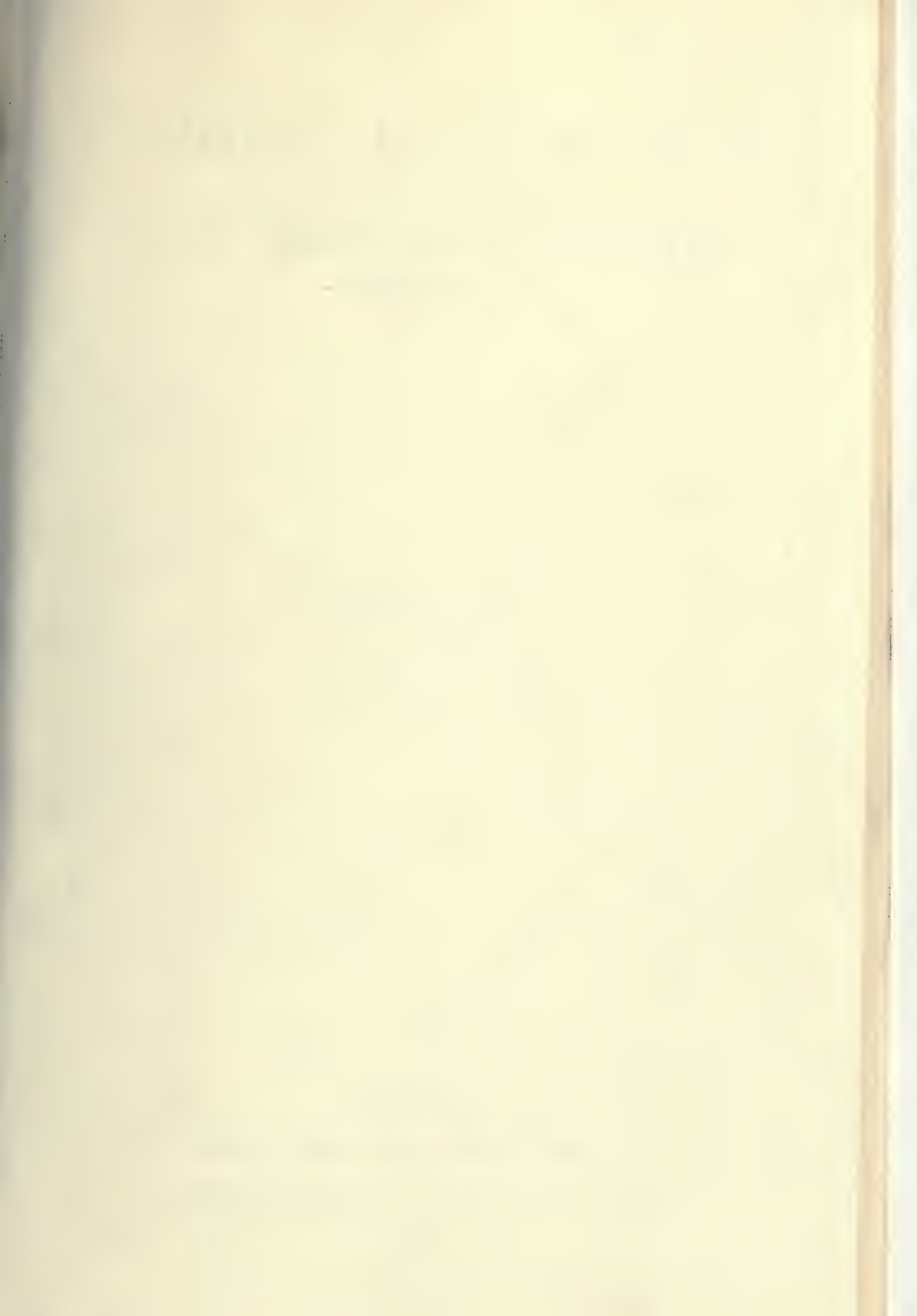
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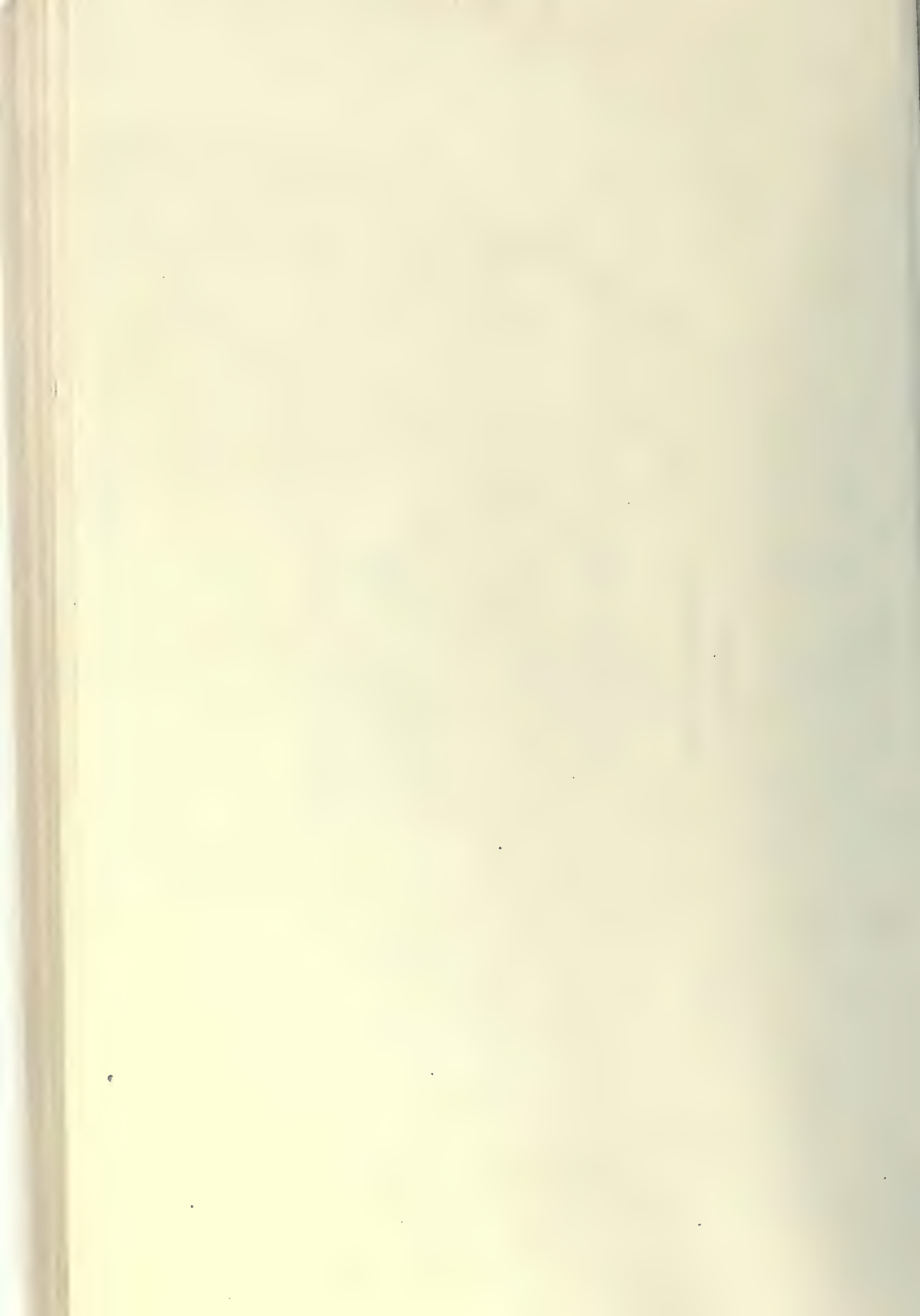
December 16th, 1976

3rd Reading

December 16th, 1976

THE HON. W. D. McKEOUGH
Treasurer of Ontario and
Minister of Economics and
Intergovernmental Affairs





LEGISLATIVE ASSEMBLY
OF ONTARIO

FOURTH SESSION OF THE THIRTIETH
PARLIAMENT

BILLS
AS ENACTED

SESSION

MARCH 29th, 1977 to APRIL 29th, 1977

ASSEMBLY DISSOLVED 29th APRIL, 1977

I N D E X

FOURTH SESSION, THIRTIETH PARLIAMENT

PUBLIC BILLS (GOVERNMENT)

H

Bill No.

Highway Traffic Act—Act to amend..... 2

R

Residential Premises Rent Review Act, 1975 (2nd Session)—Act to amend 28

PUBLIC BILL (PRIVATE MEMBER)

Election Finances Reform Act, 1975—Act to amend..... 10

PRIVATE BILLS

C

Canada Trustco Mortgage Company—Act respecting..... Pr4

E

East York, Borough of—Act respecting..... Pr9

Erie Beach, Village of—Act respecting..... Pr20

K

Kevalaine Corporation Limited—Act respecting..... Pr13

L

Leblond, Fred, Cement Products Limited—Act respecting..... Pr16

Lombardo Furniture and Appliances Limited—Act respecting..... Pr11

N

North York, Borough of—Act respecting..... Pr21

Perfume & Cosmetic Bars Limited—Act respecting.....	Pr27
Postl, Frank, Enterprises Limited—Act respecting.....	Pr24

R

Roman Catholic Episcopal Corporation for the Diocese of Alexandria, in Ontario, Canada—Act respecting.....	Pr19
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S

Scarborough, Borough of—Act respecting.....	Pr8
---	-----

T

Toronto General Burying Grounds—Act respecting the Trustees of.....	Pr2
---	-----

W

Webwood Investments Limited—Act respecting.....	Pr6
---	-----

Y

York, Borough of—Act respecting.....	Pr5
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Pauline G. G. Brown
BILL Pr2

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting the Trustees of
the Toronto General Burying Grounds**

MR. DREA



BILL Pr2

1977

An Act respecting the Trustees of the Toronto General Burying Grounds

WHEREAS the Trustees of the Toronto General Burying Grounds hereby represents that it is a body corporate empowered by *The Toronto General Burying Grounds Act, 1925*, being chapter 132, and *The Toronto General Burying Grounds Act, 1968*, being chapter 178, to acquire and hold lands for its purposes within the former County of York, the former Township of Pickering in the former County of Ontario and the former Town of Mississauga and the former Township of Toronto Gore in the former County of Peel; that because of the expansion of the metropolitan area of Toronto beyond the limits of the former County of York, the former Township of Pickering, the former Town of Mississauga and the former Township of Toronto Gore, lands beyond these limits may be required for such purposes; and whereas the applicant hereby applies for special legislation relating thereto; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Trustees of the Toronto General Burying Grounds may, in addition to its existing powers to acquire and hold land, acquire and hold lands within the limits of The Regional Municipality of Durham, The Regional Municipality of Halton and The Regional Municipality of Peel and may exercise all its corporate powers with reference thereto.

Power to
acquire
lands

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Toronto General Burying Grounds Act, 1977*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

ASSEMBLY PROROGUED

Pr2

April 25 1977

April 29 1977

Robert Lewis
CLERK

LEGISLATIVE ASSEMBLY

An Act respecting
the Trustees of the Toronto General
Burying Grounds

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. DREA

BILL Pr4

Pauline L. L. L.

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting
Canada Trustco Mortgage Company**

MR. PETERSON

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL Pr4

1977

An Act respecting Canada Trustco Mortgage Company

WHEREAS Canada Trustco Mortgage Company hereby ^{Preamble} represents that it was incorporated in 1864 under the name The Huron and Erie Savings and Loan Society, pursuant to *An Act respecting Building Societies*, being chapter 53 of the Consolidated Statutes for Upper Canada, 1859, enacted by the late Legislative Council and Assembly of Canada; that by chapter 95 of the Statutes of Ontario, 1875-76, the name of the Company was changed to The Huron and Erie Loan and Savings Company; that by chapter 86 of the Statutes of Ontario, 1915, the name of the Company was changed to The Huron and Erie Mortgage Corporation; that by order in council dated April 15, 1976, the name of the Company was changed to Canada Trustco Mortgage Company; that the Company has from time to time petitioned the Senate and House of Commons of Canada for legislation and, in addition, the Legislature of the Province of Ontario for legislation and also the Lieutenant Governor in Council for various orders in council which have been granted; and whereas for many years the applicant has been deemed to have been incorporated under the laws of Canada and to be governed by the *Loan Companies Act* (Canada), and has from time to time obtained letters patent and supplementary letters patent under such Act; and whereas a question has been raised as to the effect of Confederation upon the incorporating jurisdiction of companies, including the applicant, incorporated pursuant to legislation enacted by the late Legislative Council and Assembly of Canada prior to Confederation; and whereas the applicant hereby represents that it is governed by the *Loan Companies Act* (Canada) and for greater certainty desires authority to the extent that the same may be required to apply for letters patent under such Act; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

R.S.C. 1970,
c. L-12

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Application
to Minister
of Consumer
and Corpor-
ate Affairs
authorized
R.S.C. 1970,
c. L-12

1. Canada Trustco Mortgage Company be and it is hereby authorized to apply to the Minister of Consumer and Corporate Affairs of Canada pursuant to section 7 of the *Loan Companies Act* (Canada) for letters patent continuing the said Company as a company incorporated by letters patent pursuant to the *Loan Companies Act* (Canada).

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

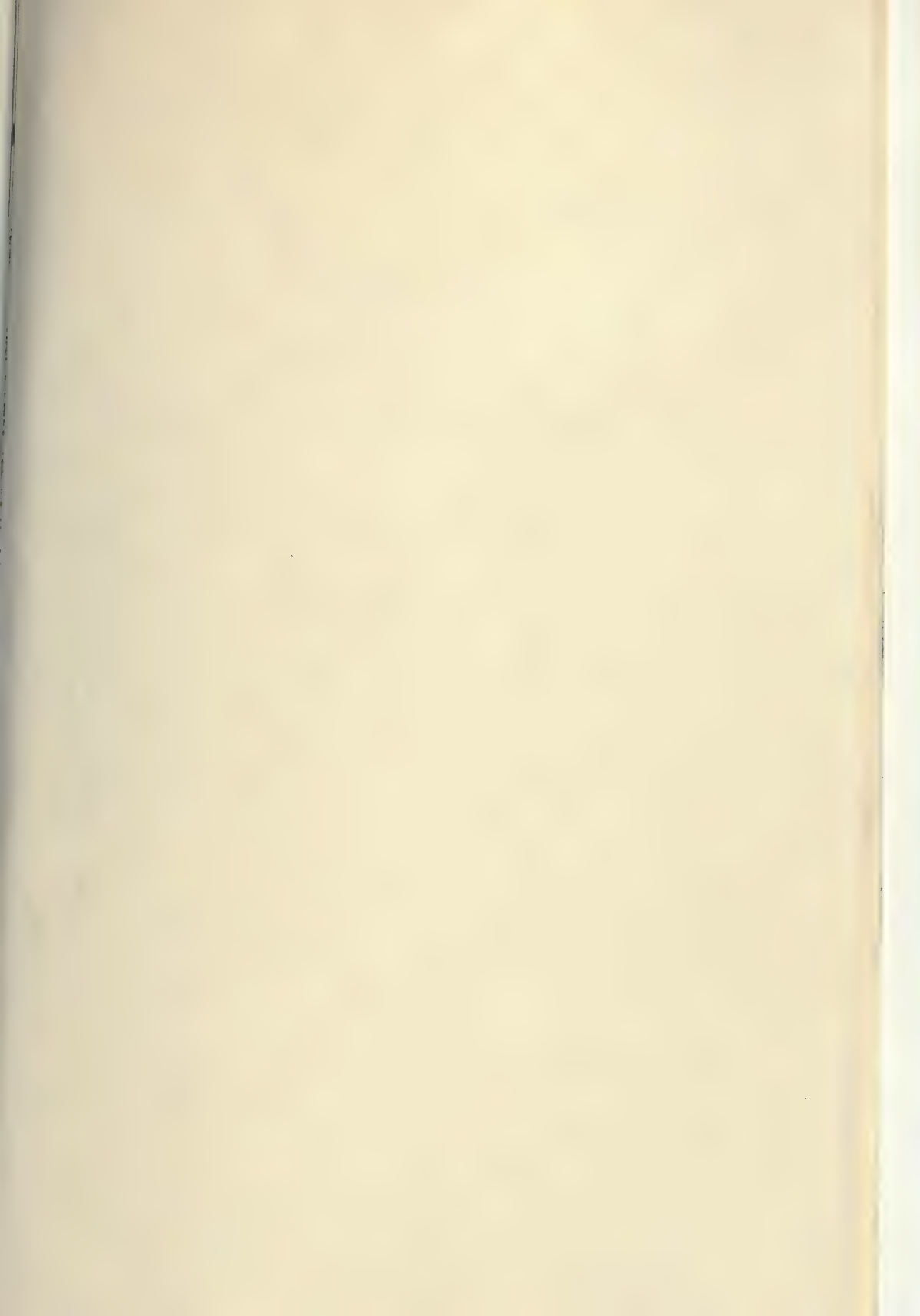
Short title

3. This Act may be cited as *The Canada Trustco Mortgage Company Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 25, 1977

ASSEMBLY ~~PROLOGUED~~ **DISSOLVED** April 29 1977

Robert Lewis
CLERK
LEGISLATIVE ASSEMBLY



THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY

REPORT OF THE
COMMISSIONER OF THE
BUREAU OF CHEMISTRY
FOR THE YEAR 1900

BY
J. H. MANNING

CHICAGO
PUBLISHED BY THE UNIVERSITY OF CHICAGO PRESS
1901

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DEPARTMENT OF CHEMISTRY
CHICAGO, ILL.
1901

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BILL RT4

An Act respecting
Canada Trustco Mortgage Company

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. PETERSON

Pauline E. G. G. G. G.
BILL Pr5

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Borough of York

MR. MACDONALD

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr5

1977

An Act respecting the Borough of York

WHEREAS The Corporation of the Borough of York, ^{Preamble}
 herein called the Corporation, hereby represents that
 it is desirable to provide that the Corporation may prohibit
 persons from smoking in elevators within the Borough; and
 whereas the Corporation hereby applies for special legislation
 for such purposes; and whereas it is expedient to grant the
 application;

Therefore, Her Majesty, by and with the advice and
 consent of the Legislative Assembly of the Province of
 Ontario, enacts as follows:

1. Notwithstanding the provisions of any other general or <sup>Smoking in
elevators</sup>
 special Act, the council of the Corporation may pass by-laws
 to prohibit persons from smoking or carrying lighted cigars,
 cigarettes or pipes in elevators within the Borough of York
 to which the provisions of *The Elevators and Lifts Act* apply. <sup>R.S.O. 1970,
c. 143</sup>

2. A by-law passed under the authority of this Act shall ^{Penalties}
 be enforceable in the same manner as a by-law passed under
 the authority of *The Municipal Act* and any such by-law <sup>R.S.O. 1970,
c. 284</sup>
 may impose penalties of not more than \$1,000, exclusive of
 costs, upon every person who contravenes any provision of
 the by-law.

3. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup>
 Assent.

4. This Act may be cited as *The Borough of York Act*, ^{Short title}
 1977.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 25 1977
~~DISSOLVED~~
 ASSEMBLY ~~PROROGUED~~ April 29 1977

Pr5

Robert Lewis
 CLERK
 LEGISLATIVE ASSEMBLY

An Act respecting the Borough of York

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. MACDONALD

Pauline Bay. Bay. L. H. H.
BILL Pr6

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting Webwood Investments Limited

MR. STONG

TORONTO

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BILL Pr6

1977

Act Act respecting Webwood Investments Limited

WHEREAS Walter Charles Chomsky hereby represents Preamble
that Webwood Investments Limited, hereinafter called
the Corporation, was incorporated by letters patent dated
the 5th day of December, 1967; that the Minister of
Consumer and Commercial Relations by order dated the
30th day of August, 1972, and made under the authority
of subsection 3 of section 251 of *The Business Corporations* R.S.O. 1970,
c. 53
Act cancelled the letters patent of the Corporation for
default in filing annual returns and declared the Cor-
poration to be dissolved on the 4th day of October, 1972;
that the applicant was the only director and the holder of
all the common shares of the Corporation at the time of its
dissolution; that the notice of default in filing annual
returns required by the said section 251 of *The Business*
Corporations Act, although sent to the applicant as director,
was not received by him and he was not aware of the dis-
solution of the Corporation until more than two years
after the date thereof; that the Corporation was carrying
on active business at the time of its dissolution; and whereas
the applicant hereby applies for special legislation reviving
the Corporation; and whereas it is expedient to grant the
application;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. Webwood Investments Limited, incorporated by letters Webwood
Investments
Limited
revived
patent dated the 5th day of December, 1967, is hereby
revived and is, subject to any rights acquired by any
person after its dissolution, hereby restored to its legal
position as a company incorporated by letters patent,
including all its property, rights, privileges and franchises
and subject to all its liabilities, contracts, disabilities and
debts, as at the date of its dissolution, in the same manner
and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Webwood Investments Limited Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

April 25 1977

ASSEMBLY ~~PROPOSED~~

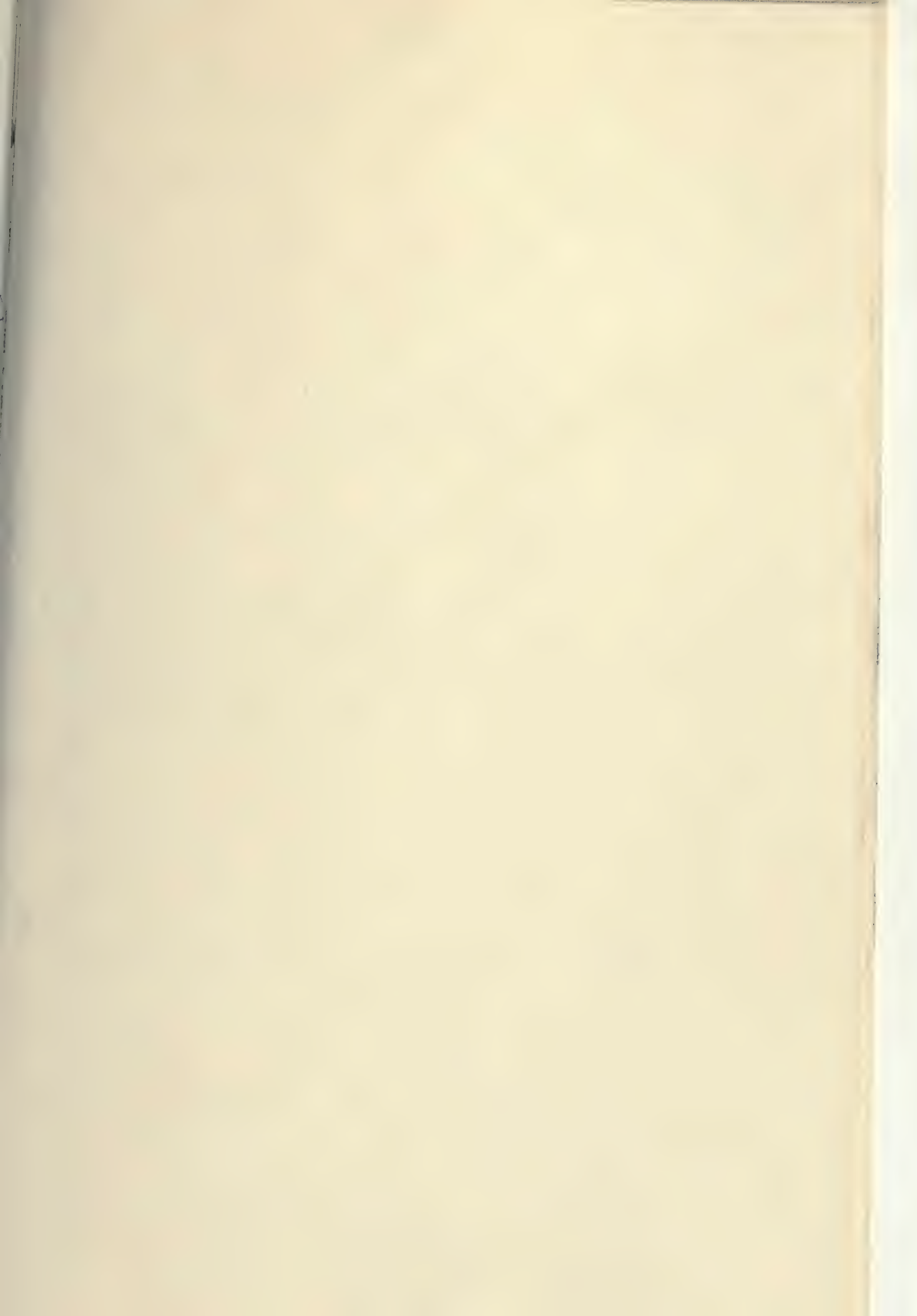
DISSOLVED

April 29

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Robert Lewis

CLERK
LEGISLATIVE ASSEMBLY





An Act respecting Webwood
Investments Limited

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

Mr. STONG

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Borough of Scarborough

MR. DREA

BILL Pr8

1977

An Act respecting the Borough of Scarborough

WHEREAS The Corporation of the Borough of Scar- Preamble
borough, herein called the Corporation, hereby applies
for special legislation in respect of the matter hereinafter
set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

- 1.—(1) The council of the Corporation may pass by-laws, Council
may pass
by-laws
requiring
removal
of litter
- (a) to require the occupants of commercial establish-
ments, retail stores and restaurants to daily remove
all litter from the sidewalks abutting the commercial
establishment, store or restaurant, including side-
walks in shopping centres;
 - (b) to require the owner of a shopping centre to daily
remove all litter from the common areas including
the parking lot but not including the sidewalks
abutting stores or restaurants;
 - (c) to require the occupants of commercial establish-
ments, including retail stores and restaurants, with
a common parking lot appurtenant thereto, that are
situate on lands other than on a shopping centre,
to daily remove all litter from the parking lot.

(2) A by-law passed under the authority of this section Enforcement
shall be enforceable in the same manner as a by-law passed
under the authority of *The Municipal Act* and any such R.S.O. 1970,
c. 284
by-law may impose penalties of not more than \$1,000,
exclusive of costs, upon every person who contravenes any
provision of the by-law.

Commence-
ment

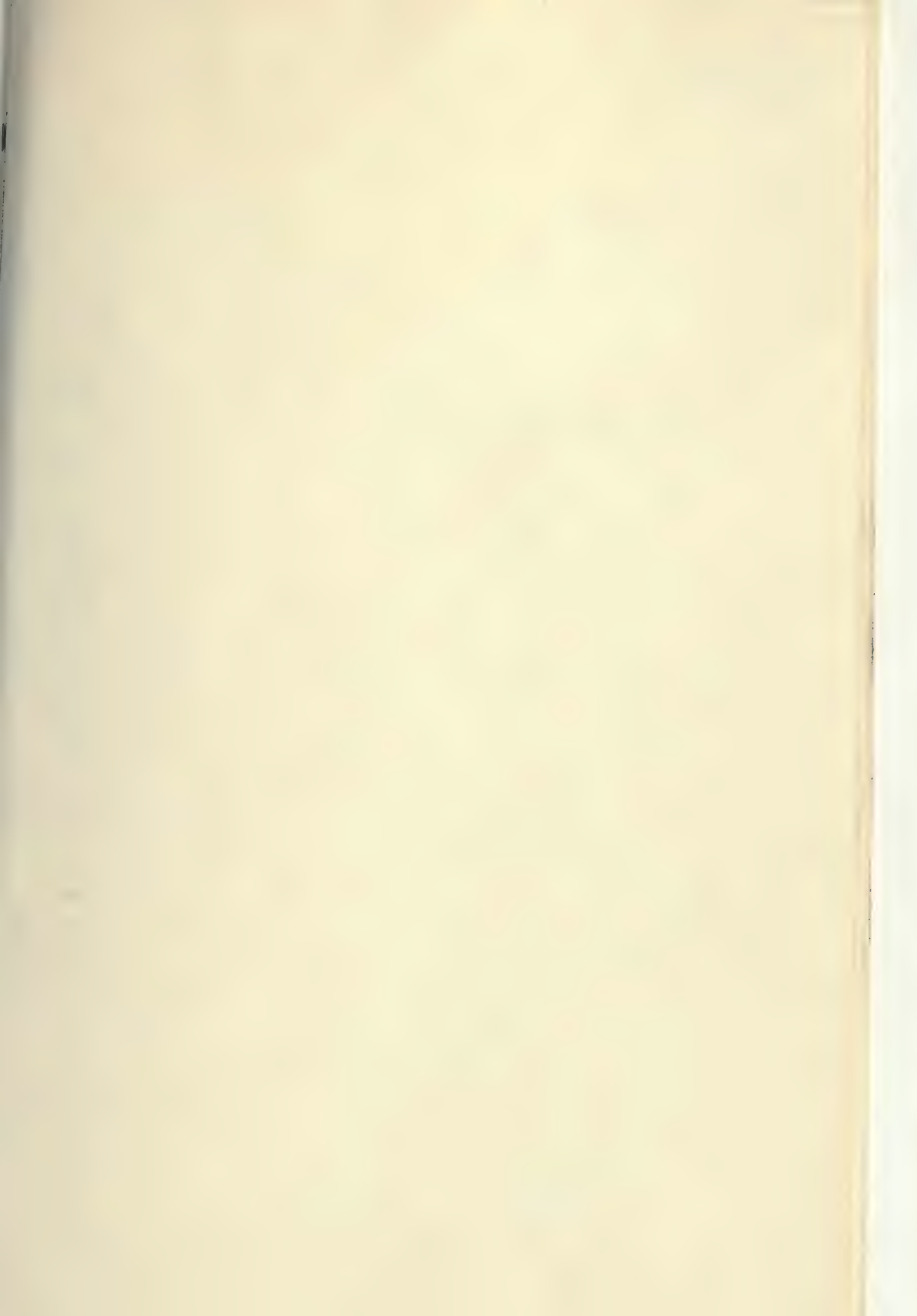
2. This Act comes into force on the day it receives Royal Assent.

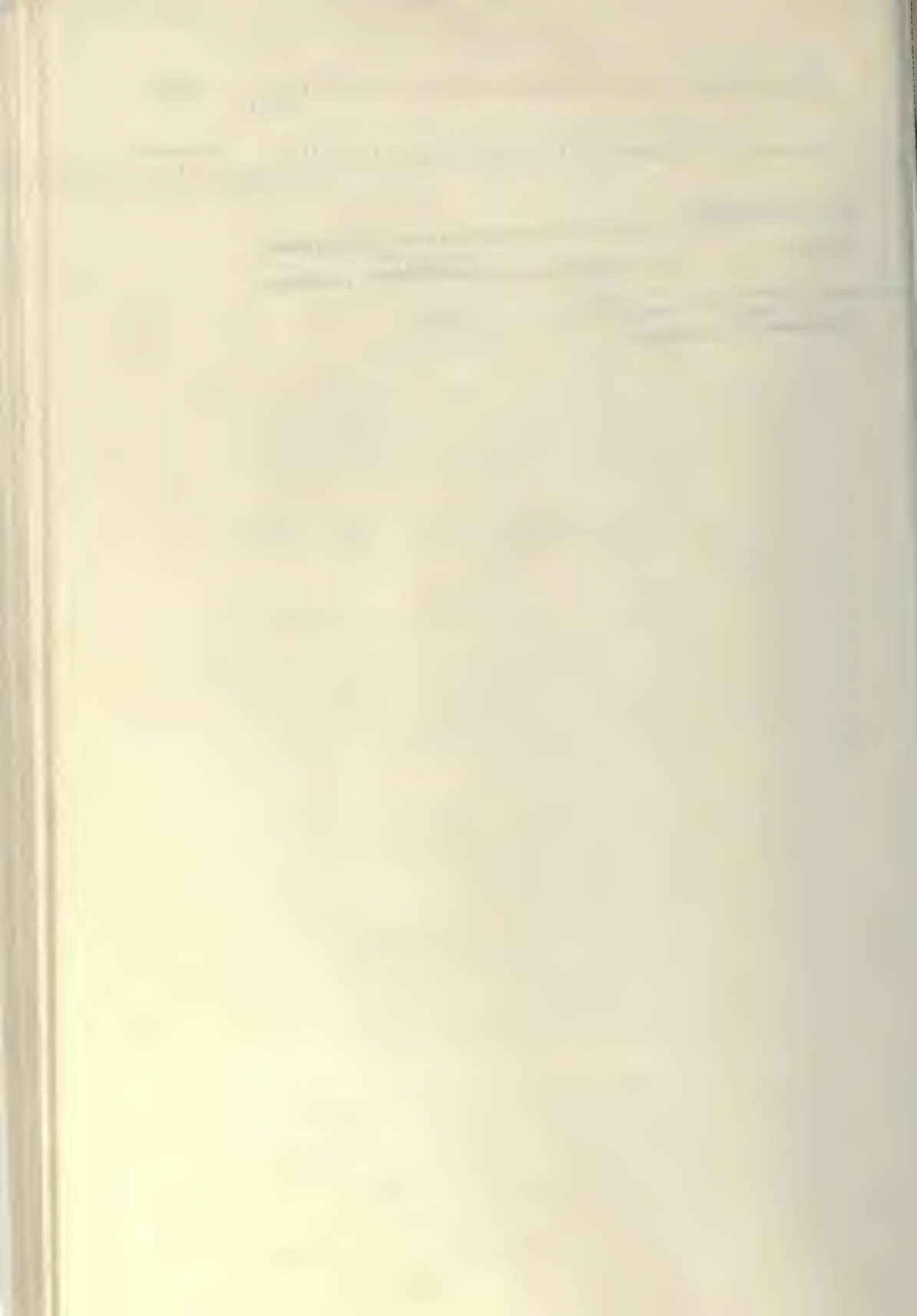
Short title

3. This Act may be cited as *The Borough of Scarborough Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 29, 1977
DISSOLVED
ASSEMBLY PROROGUED April 29, 1977

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY







An Act respecting the
Borough of Scarborough

1st Reading

April 26th, 1977

2nd Reading

April 29th, 1977

3rd Reading

April 29th, 1977

MR. DREA

BILL Pr9

Bill in the House of Commons

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Borough of East York

MR. LELUK

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL Pr9

1977

An Act respecting the Borough of East York

WHEREAS The Corporation of the Borough of East York, herein called the Corporation, hereby represents that it is desirable to provide permit parking for a fee on specified places on specified streets or highways; and whereas the Corporation hereby applies for special legislation in respect thereof; and whereas it is expedient to grant the application; Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) The council of the Corporation may by by-law, Permit for parking
- (a) allow the parking of motor vehicles at specified places on designated highways or designated parts of highways for specified periods and during specified hours pursuant to permits issued;
 - (b) charge such fee as the council may determine for the privilege of parking for such periods and during such times as the by-law provides;
 - (c) provide for the commencement, expiry and cancellation of permits and the refunding of the unexpired portion of the fee;
 - (d) prohibit the parking, standing or stopping of motor vehicles at any place on the designated highways or the designated parts of highways during specified hours except by authority of a permit issued; and
 - (e) provide for exemptions from parking, standing or stopping prohibitions of any by-law of the Corporation regulating traffic where a permit is issued.

When
by-law
becomes
operative

R.S.O. 1970,
c. 201

(2) No by-law passed under subsection 1, which affects a highway designated as a connecting link or extension of the King's Highway pursuant to subsection 1 of section 19 of *The Public Transportation and Highway Improvement Act*, shall come into force until approved by the Minister of Transportation and Communications.

Interpre-
tation

R.S.O. 1970,
c. 202

(3) For the purpose of this section, "motor vehicles" do not include commercial motor vehicles as defined in *The Highway Traffic Act*, and do not include campers, trailers and motor homes.

Removing
or tagging
offending
vehicles

(4) A constable or a by-law enforcement officer upon complaint of the person to whom a permit has been issued or upon discovery of any motor vehicle parking, standing or stopping in contravention of any provision of a by-law passed pursuant to this section may,

(a) cause it to be moved or taken to and placed or stored in a suitable place and all costs and charges of removing the motor vehicle and the storage thereof, if any, are a lien upon the motor vehicle, which may be enforced in the manner provided under section 48 of *The Mechanics' Lien Act*; or

R.S.O. 1970,
c. 267

(b) attach to the motor vehicle a serially numbered parking tag in accordance with the traffic by-law of The Municipality of Metropolitan Toronto.

Voluntary
payment

(5) A by-law passed pursuant to this section may provide a procedure for the voluntary payment of penalties and the amount of the penalties out of court in cases where it is alleged that the parking, standing or stopping provisions of the by-law have been contravened, and, if payment is not made in accordance with the procedure, subsection 2 of section 466 of *The Municipal Act* applies.

R.S.O. 1970,
c. 284

Penalty

(6) Every person who contravenes any provision of a by-law passed pursuant to this section is guilty of an offence and on summary conviction is liable to a fine of not more than \$50.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

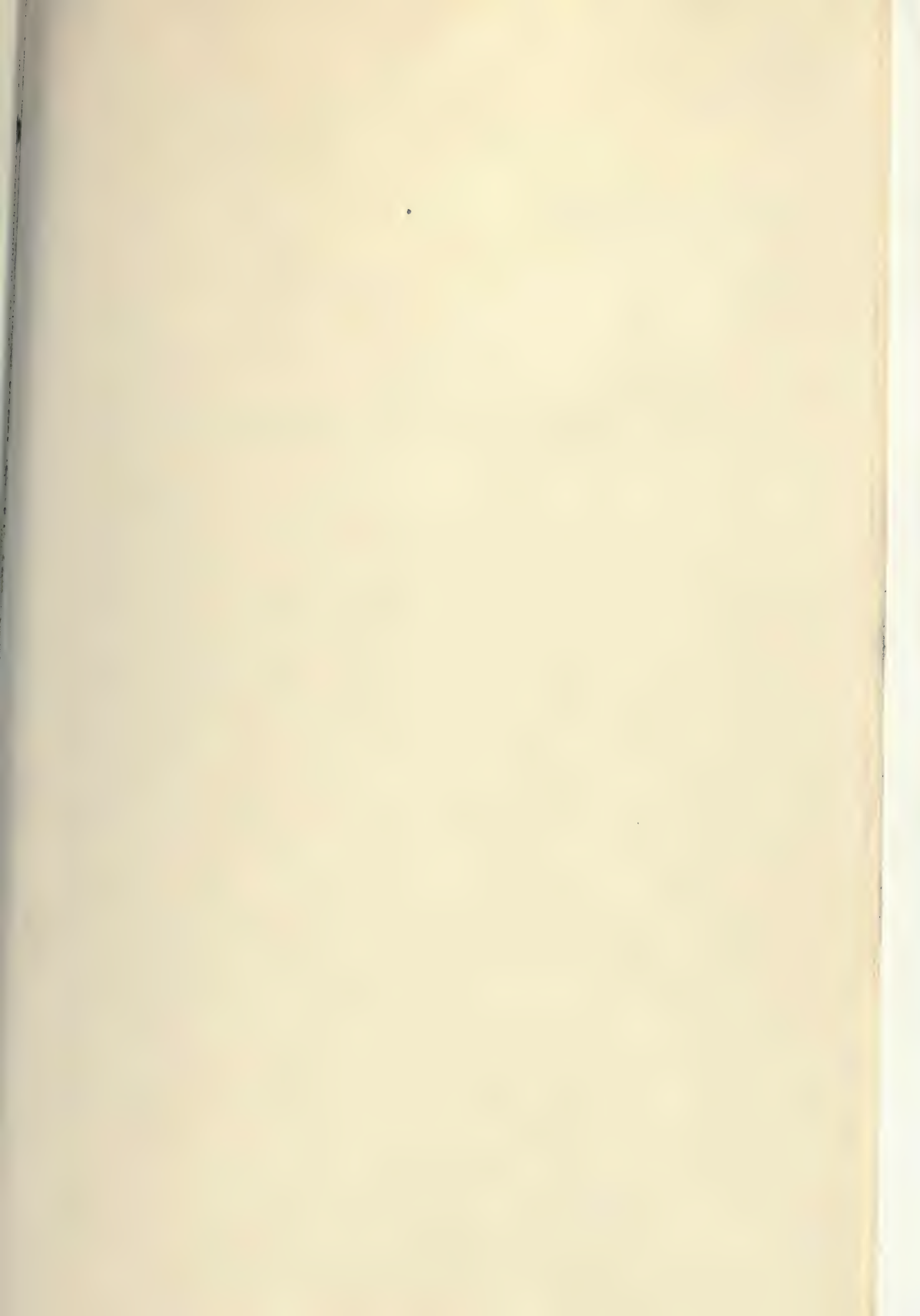
3. This Act may be cited as *The Borough of East York Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 25, 1977

~~DISSOLVED~~
ASSEMBLY ~~PROPOSED~~ April 29, 1977

Pr9

Roderic Lewis
CLERK
LEGISLATIVE ASSEMBLY



1. The first part of the report deals with the general situation of the country and the progress of the work during the year. It is a summary of the work done and a statement of the results achieved.

2. The second part of the report deals with the work done in the various departments of the country. It is a summary of the work done and a statement of the results achieved.

3. The third part of the report deals with the work done in the various departments of the country. It is a summary of the work done and a statement of the results achieved.

4. The fourth part of the report deals with the work done in the various departments of the country. It is a summary of the work done and a statement of the results achieved.

5. The fifth part of the report deals with the work done in the various departments of the country. It is a summary of the work done and a statement of the results achieved.

6. The sixth part of the report deals with the work done in the various departments of the country. It is a summary of the work done and a statement of the results achieved.

7. The seventh part of the report deals with the work done in the various departments of the country. It is a summary of the work done and a statement of the results achieved.

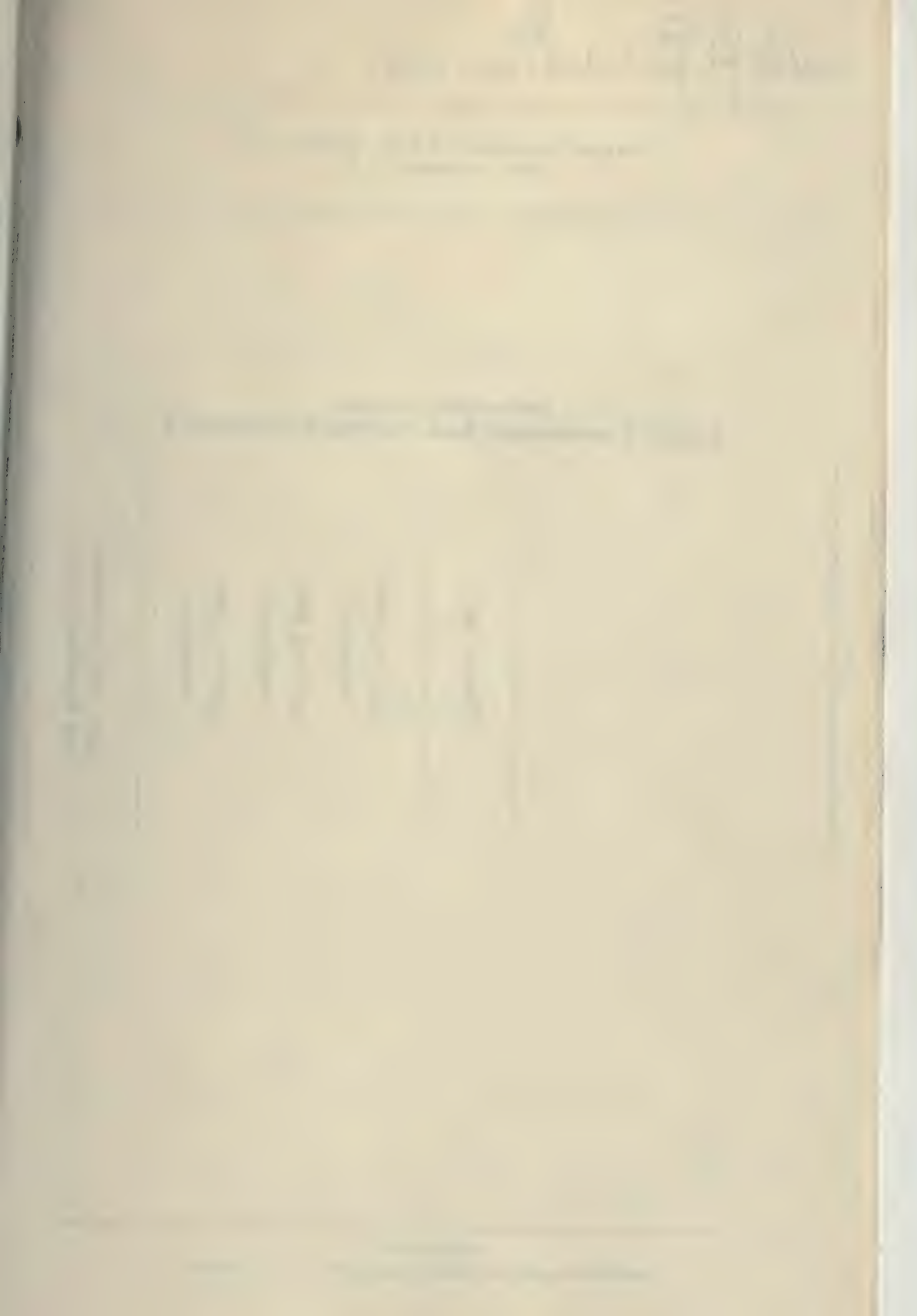
8. The eighth part of the report deals with the work done in the various departments of the country. It is a summary of the work done and a statement of the results achieved.

9. The ninth part of the report deals with the work done in the various departments of the country. It is a summary of the work done and a statement of the results achieved.

10. The tenth part of the report deals with the work done in the various departments of the country. It is a summary of the work done and a statement of the results achieved.

11. The eleventh part of the report deals with the work done in the various departments of the country. It is a summary of the work done and a statement of the results achieved.

12. The twelfth part of the report deals with the work done in the various departments of the country. It is a summary of the work done and a statement of the results achieved.



BILL FIF

An Act respecting the
Borough of East York

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. LEIUK

Pauline P. P. Gibson
BILL Pr11

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting
Lombardo Furniture and Appliances Limited**

MR. BURR

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

1871

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1871

1871

BILL Pr11

1977

An Act respecting Lombardo Furniture and Appliances Limited

WHEREAS Fernando Ferrera and Grace Ferrera hereby Preamble
represent that Lombardo Furniture and Appliances
Limited, herein called the Corporation, was incorporated by
letters patent dated the 2nd day of September, 1958; that
the Provincial Secretary by order made under the authority
of subsection 2 of section 326 of *The Corporations Act*, being
chapter 71 of the Revised Statutes of Ontario, 1960, cancelled
the letters patent of the Corporation and declared it to be
dissolved on the 29th day of April, 1965; that the applicants
were all the directors and the holders of all the shares of
the Corporation at the time of the said dissolution; that
the notice of default in filing annual returns required by the
said subsection 2 of section 326 of *The Corporations Act*,
although sent to each of the applicants as directors, was not
received by any of them; that the applicants did not become
aware of the dissolution of the Corporation within one year
after the date thereof and therefore did not take steps to
remedy such default and no action was taken within the
period of one year provided for under the authority of sub-
section 3 of section 326 of *The Corporations Act*; that by
virtue of the cancellation of letters patent of the Corporation
the assets thereof became forfeit to the Crown in right of
the Province of Ontario pursuant to section 330 of *The
Corporations Act*; that the Corporation at the time of its
dissolution was carrying on active commercial business; and
whereas the applicants hereby apply for special legislation
reviving the Corporation; and whereas it is expedient to grant
the application;

Therefore, Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Lombardo Furniture and Appliances Limited, incor-
porated by letters patent dated the 2nd day of September,
1958, is hereby revived and is, subject to any rights acquired

Lombardo
Furniture and
Appliances
Limited
revived

by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

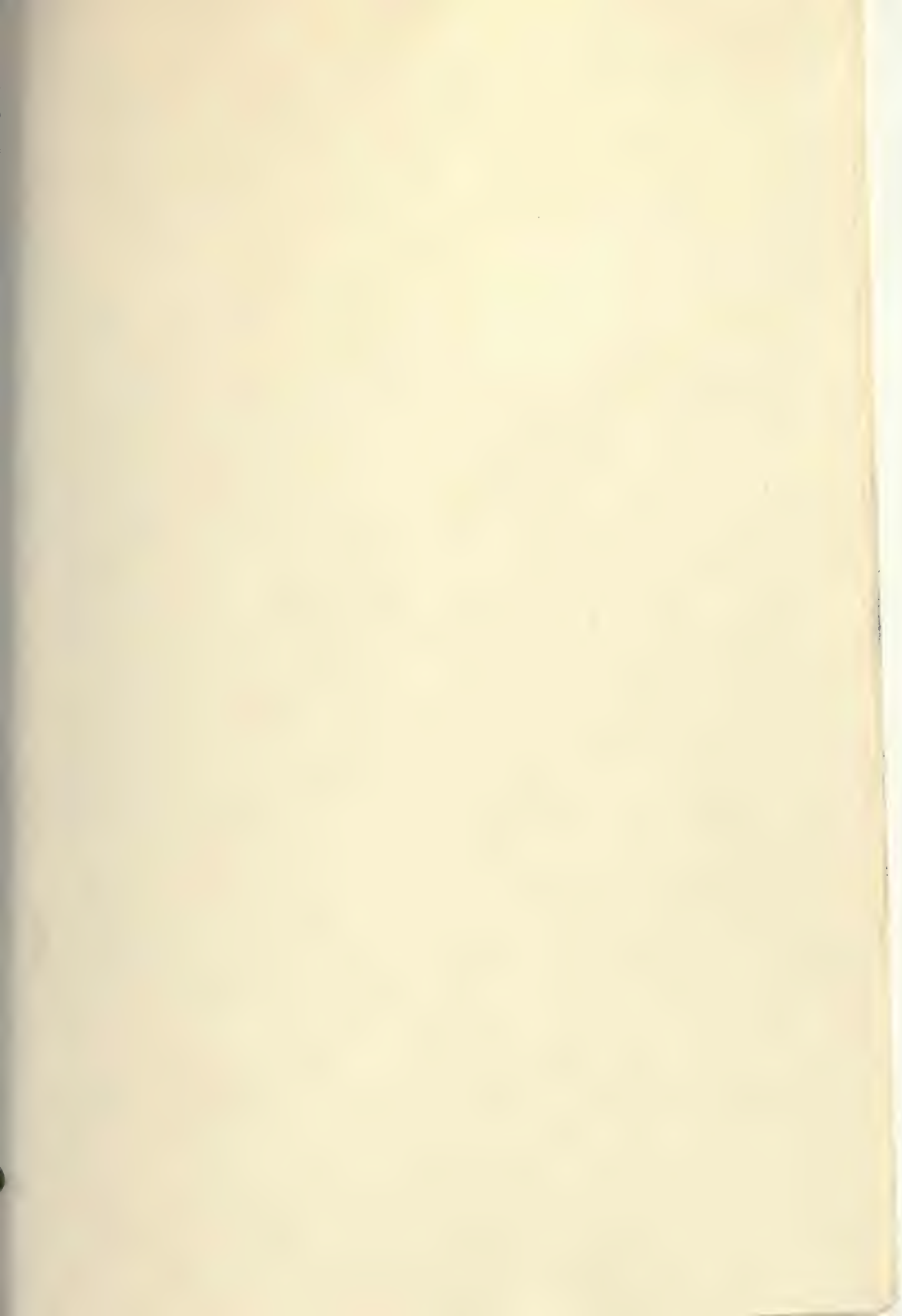
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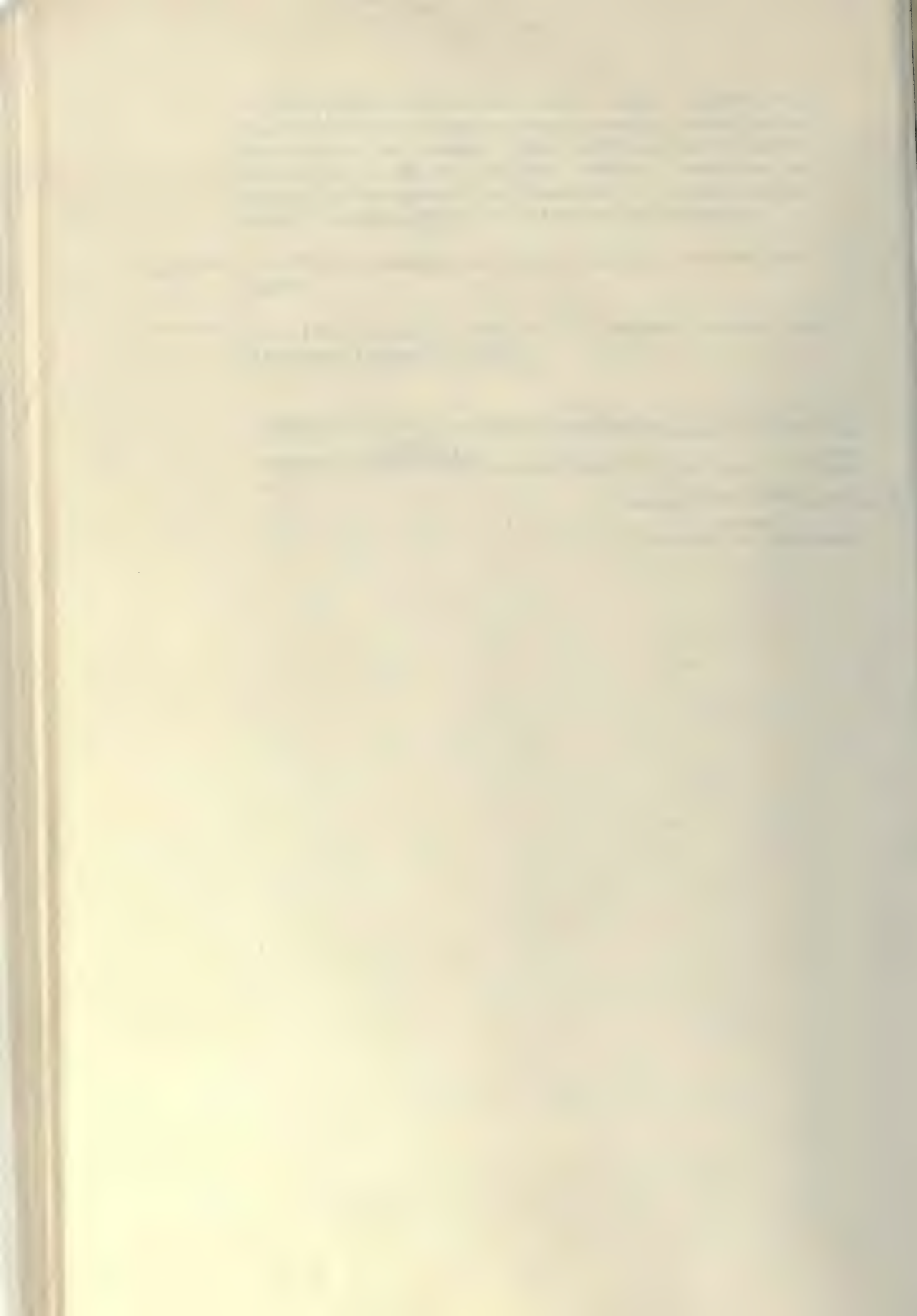
3. This Act may be cited as *The Lombardo Furniture and Appliances Limited Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 25 1977

~~DISSOLVED~~
ASSEMBLY ~~PROROGUED~~ April 29 1977

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY





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BILL P11

An Act respecting Lombardo Furniture
and Appliances Limited

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. BURR

BILL Pr13

Pauline L. L. L.

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting Kevalaine Corporation Limited

MR. GROSSMAN

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL Pr13

1977

An Act respecting Kevalaine Corporation Limited

WHEREAS Elaine Davis hereby represents that Kevalaine Corporation Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 14th day of July, 1969; that the Minister of Consumer and Commercial Relations, by order dated the 2nd day of January, 1974, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the letters patent of the Corporation and declared it to be dissolved on the 6th day of February, 1974; that the applicant was the sole director and shareholder of the Corporation at the time of its dissolution; that the notice of default in filing annual returns required by section 251 of *The Business Corporations Act* was sent to the solicitors for the Corporation; that the said notice was received by the solicitors for the Corporation, who through inadvertence failed to file the annual returns for the Corporation for more than two years; that the sole director and shareholder of the Corporation was not aware of the dissolution of the Corporation until more than two years after the date thereof; that the Corporation at the time of its dissolution was and is now actively carrying on the business authorized by its letters patent; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Kevalaine Corporation Limited, incorporated by letters patent dated the 14th day of July, 1969, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the

Kevalaine
Corporation
Limited
revived

date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

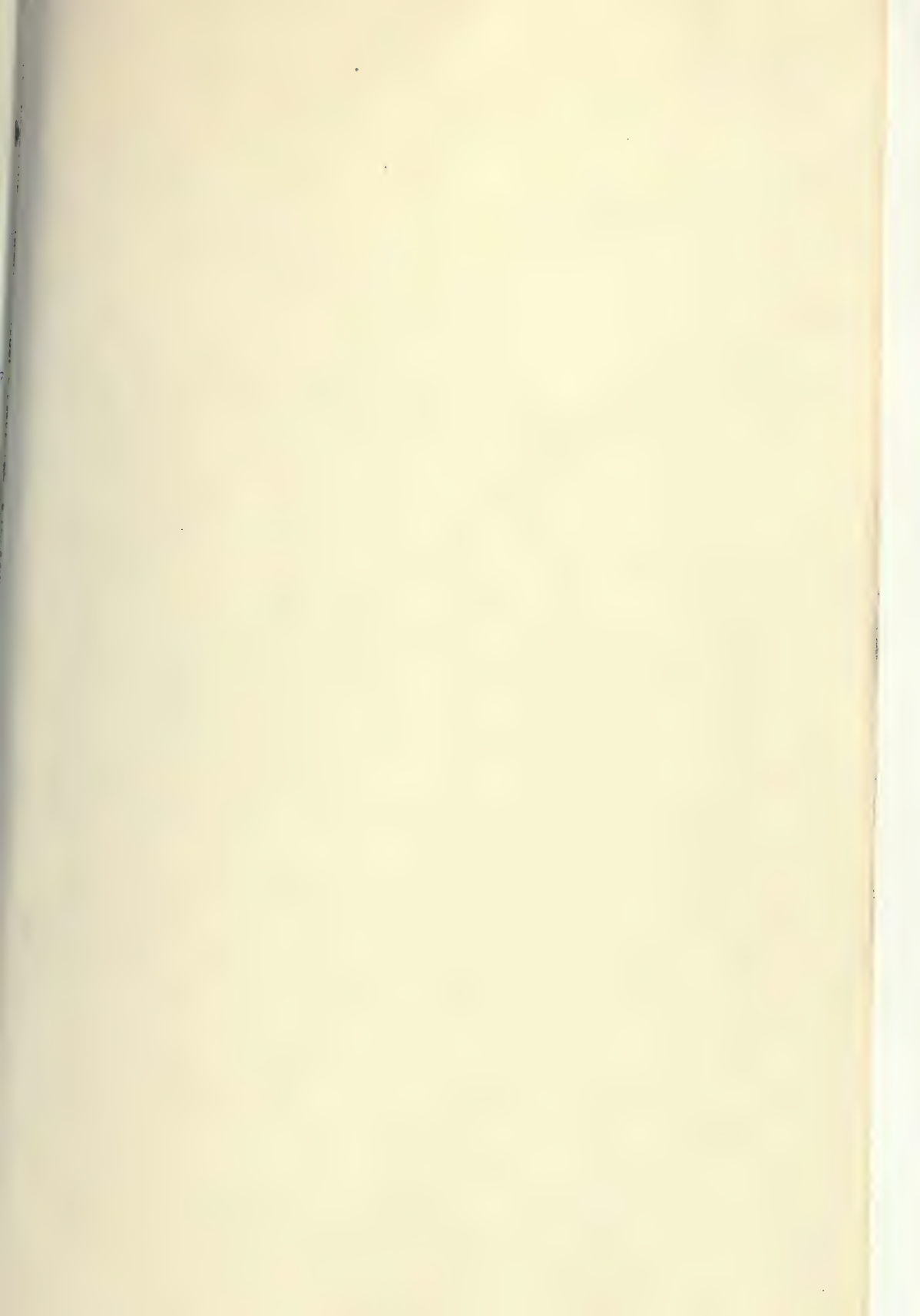
3. This Act may be cited as *The Kevalaine Corporation Limited Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 25 1977

~~DISSOLVED~~
~~ASSEMBLY PROROGUED~~

April 29 1977

Robert Lewis
CLERK
LEGISLATIVE ASSEMBLY





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1900

An Act respecting Kevalaine
Corporation Limited

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. GROSSMAN

S. Leblond
BILL Pr16

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting
Fred Leblond Cement Products Limited**

MR. MORROW

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL Pr16

1977

An Act respecting Fred Leblond Cement Products Limited

WHEREAS Juri Kukk, Carol Kukk and William Shewchuk hereby represent that Fred Leblond Cement Products Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 14th day of April, 1965; that the Minister of Consumer and Commercial Relations by order dated the 16th day of May, 1973 and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 20th day of June, 1973; that the applicants were all the directors of the Corporation at the time of the said dissolution; that default in filing annual returns occurred by reason of an inadvertence; that the Corporation at the time of its dissolution owned certain real property; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Fred Leblond Cement Products Limited, incorporated by letters patent dated the 14th day of April, 1965, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Fred Leblond
Cement
Products
Limited
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Fred Leblond Cement Products Limited Act, 1977*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR April 25 1977

Pr16
ASSEMBLY PROLOGUED April 29 1977

Robert Lewis
CLERK

BILL Pr16

An Act respecting
Fred Leblond Cement Products Limited

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. MORROW

BILL Pr19

Pauline L. L. L.

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting The Roman Catholic Episcopal
Corporation for the Diocese of Alexandria,
in Ontario, Canada**

MR. VILLENEUVE

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL Pr19

1977

**An Act respecting The Roman Catholic
Episcopal Corporation for the Diocese of
Alexandria, in Ontario, Canada**

WHEREAS The Roman Catholic Episcopal Corporation Preamble
for the Diocese of Alexandria, in Ontario, Canada,
hereby represents that it is a body corporate incorporated
under *An Act to incorporate the Roman Catholic Bishop of
the Diocese of Alexandria in Ontario, Canada*, being chapter 98
of the Statutes of the Province of Ontario, 1891, 54,
Victoria, under the name of "The Roman Catholic Episcopal
Corporation for the Diocese of Alexandria, in Ontario,
Canada"; that in communion with the Church of Rome,
the Bishop of the Diocese of Alexandria, has requested and
had approved a change in the name of the corporation to
"The Roman Catholic Episcopal Corporation for the Diocese
of Alexandria-Cornwall, in Ontario, Canada"; and whereas
the Bishop of the Diocese of Alexandria hereby applies for
special legislation to change the name of the corporation
accordingly; and whereas it is expedient to grant the applica-
tion;

Therefore, Her Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of
Ontario, enacts as follows:

1. The body corporate established by section 1 of *An Act* Corporation continued
under name
"The Roman
Catholic
Episcopal
Corporation
for the
Diocese of
Alexandria-
Cornwall,
in Ontario,
Canada"
*to incorporate the Roman Catholic Bishop of the Diocese of
Alexandria in Ontario, Canada*, being chapter 98 of the
Statutes of the Province of Ontario, 1891, 54, Victoria,
with the corporate name of "The Roman Catholic Episcopal
Corporation for the Diocese of Alexandria, in Ontario,
Canada" is continued as a body corporate with the corporate
name of "The Roman Catholic Episcopal Corporation for the
Diocese of Alexandria-Cornwall, in Ontario, Canada".

2. This Act comes into force on the day it receives Royal Commence-
ment
Assent.

3. This Act may be cited as *The Roman Catholic Episcopal* Short title
Corporation (Diocese of Alexandria) Act, 1977.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 25 1977

DISSOLVED April 29 1977

ASSEMBLY PROROGUED

Roderick Lewis

An Act respecting
The Roman Catholic Episcopal
Corporation for the Diocese of
Alexandria, in Ontario, Canada

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. VILLENEUVE

BILL Pr20

Pauline C. C. S. H. H.

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Village of Erie Beach

MR. SPENCE

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr20

1977

An Act respecting the Village of Erie Beach

WHEREAS The Corporation of the Village of Erie Beach hereby applies for special legislation in respect of the matter hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the Village of Erie Beach is hereby authorized to pass a by-law, without obtaining the approval of the Ontario Municipal Board, authorizing the borrowing of a sum not exceeding \$9,995.28, for the purpose of paying the cost of certain drainage works which have been completed within the said Village shown in the Schedule hereto.

By-law
authorized

2. Sections 55 and 56 of *The Ontario Municipal Board Act* apply in respect of a by-law passed under section 1.

Application
of
R.S.O. 1970,
c. 323, ss. 55, 56

3. For the purposes of every Act, the Ontario Municipal Board shall be deemed to have issued an order under section 64 of *The Ontario Municipal Board Act* authorizing the construction mentioned in section 1, and authorizing The Corporation of the Village of Erie Beach to borrow the moneys mentioned in section 1.

Order of
O.M.B.
deemed
issued

4. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

5. This Act may be cited as *The Village of Erie Beach Act, 1977*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

April 25 19 77

DISSOLVED

ASSEMBLY PROROGUED

April 29 19 77

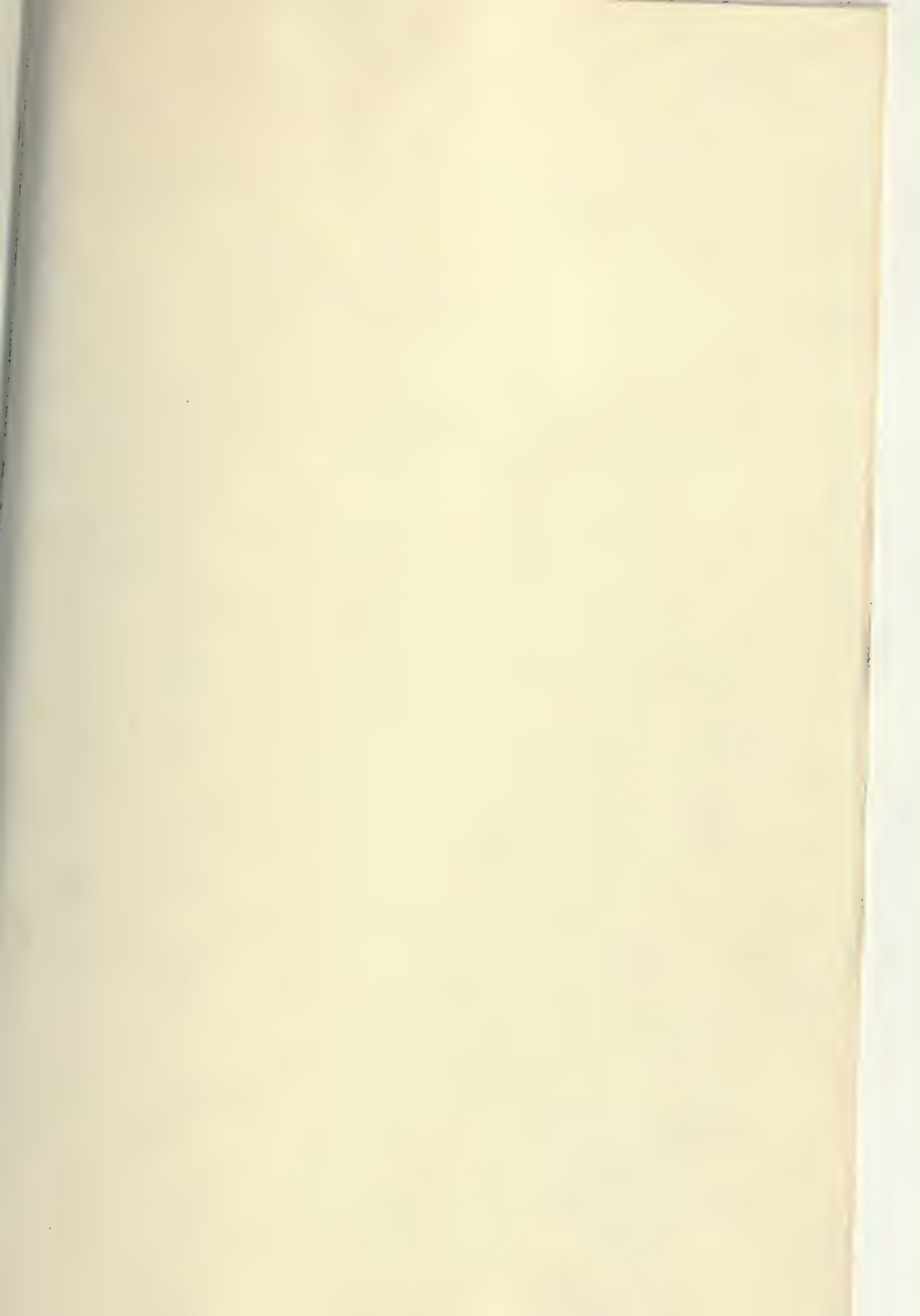
Roderick Lewis

CLERK

LEGISLATIVE ASSEMBLY

SCHEDULE

By-law No.	Drain	Costs to be financed
181	Erie Beach Drain, Tap To Robertson Drain and Tap To Carswell Drain.....	\$7,115.00
181A	Erie Beach Drain, Tap To Robertson Drain and Tap To Carswell Drain.....	2,880.28





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1913

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An Act respecting
the Village of Erie Beach

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. SPENCE

Pauline G. G. G. G.
BILL Pr21

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting the Borough of North York

MR. WILLIAMS

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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BILL Pr21

1977

An Act respecting the Borough of North York

WHEREAS The Corporation of the Borough of North York, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of any general or special Act, the council of the Corporation may pass by-laws,

Authority to
pass by-laws
for the
removal of
snow, etc.

- (a) requiring the owners of any designated class of building in the municipality or any defined area thereof to clear away and remove snow and ice from the exterior steps, sidewalks, walkways, driveways and parking lots on the lands of any class of building so designated and for regulating when and the manner in which the same shall be done, and for providing that in default thereof by the person directed or required to do it, the same shall be done at his expense, and for collecting or recovering the expenses incurred in so doing in the manner provided by section 469 of *The Municipal Act*; and

R.S.O. 1970,
c. 284

- (b) establishing a clinic or clinics within the Borough of North York for the spaying or neutering of domestic animals without cost to the owners of such animals, or upon payment to the Corporation of such fees as may be established by the by-laws.

2.—(1) Notwithstanding section 13 of *The Public Health Act*, the council of the Corporation may by by-law provide that The Local Board of Health of the Borough of North York (hereinafter called the Local Board) shall consist of

Authority to
pass by-laws
providing
for composition
of
North York
Board of
Health

R.S.O. 1970,
c. 377

the mayor and at least five, and not more than nine, resident ratepayers, at least three of whom are not members of the council.

Term
of
office

(2) The members of the Local Board who are not members of the council shall hold office for three years, provided that on the first appointment the council, from among such members, shall designate members who shall hold office,

(a) until the 1st day of January of the year following the date of appointment;

(b) until the 1st day of January of the second year following the date of appointment; and

(c) until the 1st day of January of the third year following the date of appointment,

respectively, so that as nearly as possible one-third of such members shall retire each year, and the members of the Local Board who are members of the council shall be appointed annually.

Idem

(3) When a member of the Local Board becomes a member of the council, he ceases to be a member of the Local Board, but is eligible to be appointed annually.

Reappoint-
ment

(4) The members of the Local Board shall hold office until their successors are appointed, and are eligible for reappointment.

Vacancies

(5) Where a member ceases to be a member of the Local Board before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term.

Secretary
of
Board

(6) The Local Board shall have a secretary and, unless otherwise provided by the council, the clerk shall be the secretary.

Interpre-
tation

3.—(1) In this section,

(a) "designated fire route" means a fire route so designated by by-law of the Corporation;

(b) "fire route" means any private road, lane, ramp or other means of vehicular access to or egress from a building or structure and it may include part of a parking lot;

- (c) "park" or "parking" when prohibited means the standing of a vehicle, except when standing temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers;
- (d) "stop" or "stopping" when prohibited means the halting of a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a constable or other police officer or of a traffic control sign or signal;
- (e) "trailer" means a vehicle that is at any time drawn upon a highway by a vehicle or any device or apparatus not designed to transport persons or property temporarily drawn, propelled or moved upon the highway and except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the vehicle by which it is drawn;
- (f) "vehicle" includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled or driven by any kind of power, including muscular power, but does not include the car of an electric or steam railway running only upon rails.

(2) Notwithstanding paragraph 112 of subsection 1 of section 354 of *The Municipal Act*, the council of the Corporation may pass by-laws, Power to pass by-laws re fire routes R.S.O. 1970, c. 284

- (a) regulating and designating fire routes, and, without limiting the generality of the foregoing, the by-laws may include the following:
 1. The dimensions, location, construction and maintenance standards of a fire route or of a designated fire route.
 2. The location, the number and the proximity to a building or structure of water hydrants.
 3. Authority to the Building Commissioner of the Corporation to refuse to issue a building permit for any building or structure where the plan filed with the building permit application does not show the proposed location of a fire route, where such is required, or where the plan shows a proposed

fire route which is not in conformity with the by-laws passed pursuant to this subsection or unless the security referred to in paragraph 4 has been filed.

4. Provision for the filing of security of such nature and amount as the Corporation may determine to ensure the proper construction of a fire route in accordance with the by-laws passed pursuant to this subsection.
5. Provision for the return or release, in whole or in part, of the security referred to in paragraph 4.
6. Requirements that existing fire routes which do not comply with the provisions of the by-laws passed pursuant to this subsection, comply, and the establishment of a time limit within which the fire routes are required to comply, or where there is a requirement for a fire route to an existing building or structure, that it be constructed within the period established in the by-laws passed pursuant to this subsection;
 - (b) diverting, altering or stopping-up, for a period or permanently, designated fire routes;
 - (c) regulating and governing traffic on designated fire routes;
 - (d) prohibiting the parking or leaving of a vehicle unattended on a designated fire route and providing for the removal and impounding of any vehicle so parked or left at the expense of the owner of the vehicle;
 - (e) providing for the erection of signs, including the granting of the right to enter on land to accomplish this, and providing that the effect of the signs shall be the same as though erected pursuant to any by-law enacted pursuant to *The Municipal Act* respecting the regulation of traffic;
 - (f) fixing the fees and charges to be paid to the Corporation for any engineering and inspection services it provides for the construction of a fire route, for designating a fire route and for the erection of signs, and providing for recovery of fees

and charges in the event of non-payment in the same manner as a by-law enacted pursuant to *The Municipal Act*;

R.S.O. 1970,
c. 284

- (g) authorizing a peace officer or a full-time fire fighter, upon discovery of any vehicle or trailer parked or left unattended in contravention of the provisions of any by-law enacted pursuant to this subsection, to have the vehicle or trailer moved to and stored in another location, and providing that all costs and charges of removal and storage thereof are a lien upon the vehicle or trailer, which may be enforced in the manner provided by section 48 of *The Mechanics' Lien Act*.

R.S.O. 1970,
c. 267

- (3) Part XXI of *The Municipal Act* applies to any by-law passed under this section.

Penalties
and
enforcement

- (4) Clause *a* of paragraph 107 of section 354 of *The Municipal Act* applies to penalties provided by any by-law passed under this section.

Idem

- (5) The driver of a vehicle, not being the owner, is liable to any penalty provided in a by-law passed under this section and the owner of the vehicle is also liable to such a penalty unless at the time the offence was committed the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.

Vehicle
driver
and
owner
liable
for
penalties

- (6) Before passing a by-law pursuant to subsection 2,

Notice
of
by-law

- (a) the council of the Corporation shall cause notice of the proposed by-law to be sent by prepaid mail to every owner and occupant as shown on the last revised assessment rolls whose lands or premises may be prejudicially affected by the proposed by-law;
- (b) the council of the Corporation or a committee of council shall hear in person or by his counsel, solicitor or agent, any person who claims that his lands or premises will be prejudicially affected by the by-law and who applied to be heard within four weeks of the notice being sent; and
- (c) a notice sent under this subsection shall include a statement of the estimated expenses that will be incurred by the owner of the lands on which the fire route is to be designated.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Borough of North York Act, 1977*.

ASSENTED TO BY LIEUTENANT-GOVERNOR

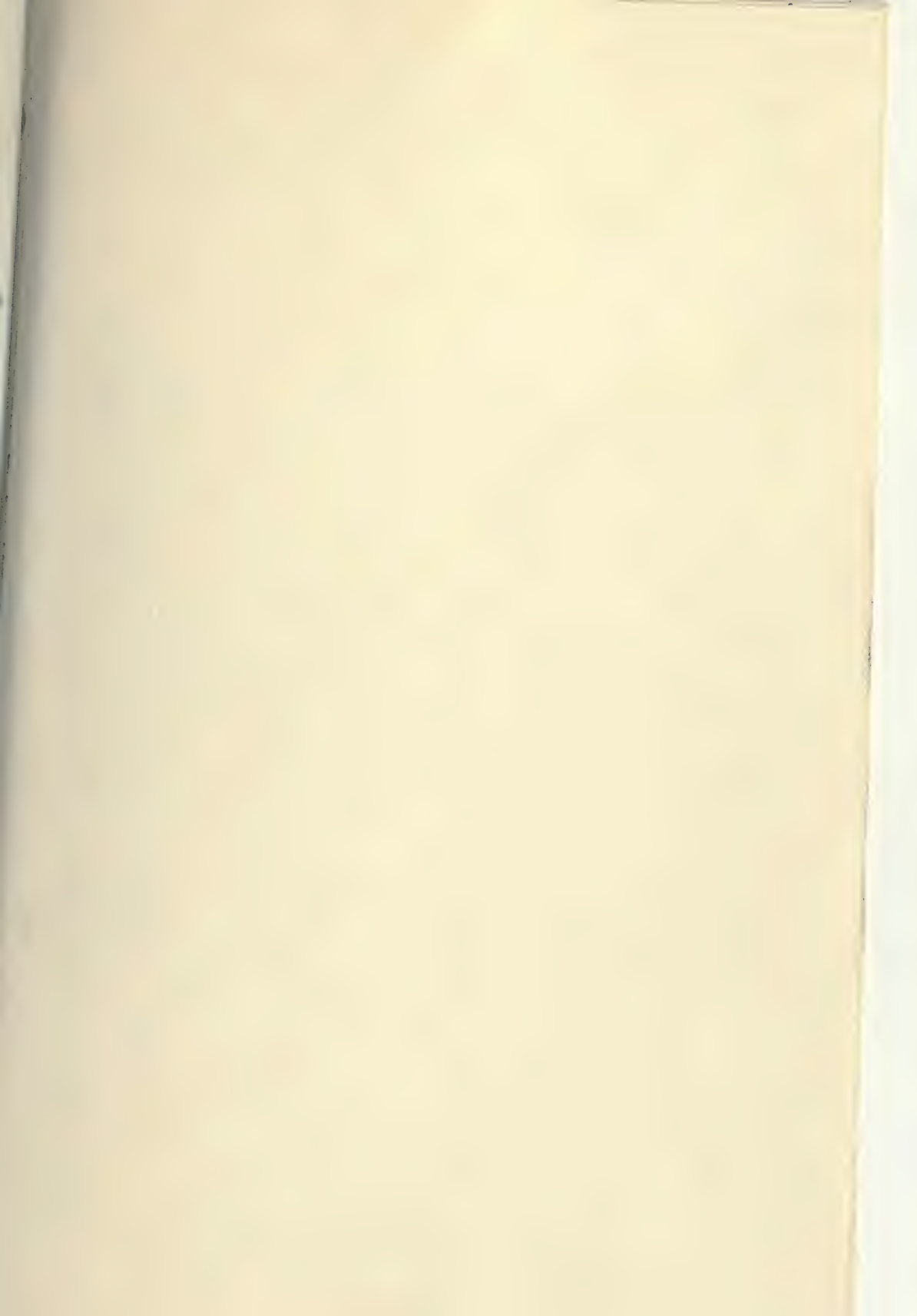
April 29 1977

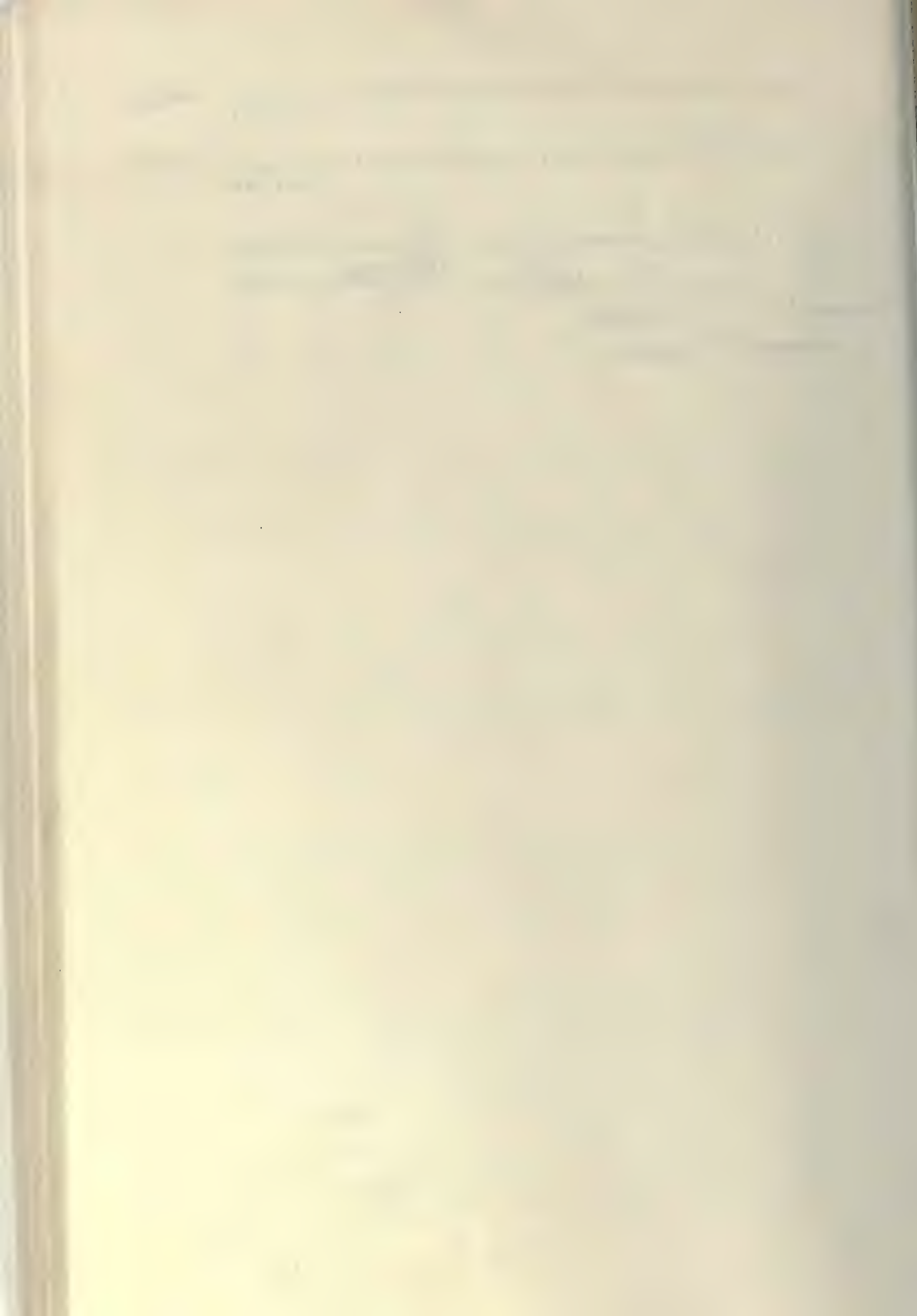
DISSOLVED
ASSEMBLY PROROGUED

April 29

1977

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY





BILL F721

An Act respecting
the Borough of North York

1st Reading

April 26th, 1977

2nd Reading

April 29th, 1977

3rd Reading

April 29th, 1977

MR. WILLIAMS

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting Frank Postl Enterprises Limited

MR. JOHNSTON
(St. Catharines)

BILL FT21

An Act respecting
the Borough of North York

1st Reading

April 26th, 1977

2nd Reading

April 29th, 1977

3rd Reading

April 29th, 1977

MR. WILLIAMS

BILL Pr24

Pauline G. G. S. H.

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act respecting Frank Postl Enterprises Limited

MR. JOHNSTON
(St. Catharines)

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

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11. 12. 1917

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BILL Pr24

1977

An Act respecting Frank Postl Enterprises Limited

WHEREAS Frank Postl hereby represents that Frank Postl Enterprises Limited, hereinafter called the Corporation, was incorporated by letters patent dated the 17th day of April, 1964; that the Minister of Consumer and Commercial Relations by order dated the 31st day of October, 1973, and made under the authority of subsection 3 of section 251 of *The Business Corporations Act*, cancelled the letters patent of the Corporation for default in filing annual returns and declared the Corporation to be dissolved on the 5th day of December, 1973; that the applicant was the director of the Corporation at the time of its dissolution; that default in filing annual returns occurred by reason of an inadvertence; that the Corporation at the time of its dissolution owned certain real property; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Frank Postl Enterprises Limited incorporated by letters patent dated the 17th day of April, 1964, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Frank Postl
Enterprises
Limited
revived

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Frank Postl Enterprises Limited Act, 1977*.

Short title

ASSENTED TO BY LIEUTENANT-GOVERNOR

April 25 1977

DISSOLVED
ASSEMBLY PROROGUED

April 29

1977

Pr24

Rodney Lewis
CLERK
LEGISLATIVE ASSEMBLY

BILL Pt24

**An Act respecting
Frank Post Enterprises Limited**

1st Reading

April 12th, 1977

2nd Reading

April 25th, 1977

3rd Reading

April 25th, 1977

MR. JOHNSTON
(St. Catharines)

Lawline by G. P. S. Khan
BILL Pr27

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act respecting The Perfume & Cosmetic
Bars Limited**

MR. PETERSON

TORONTO

PRINTED BY J. C. THATCHER, QUEEN'S PRINTER FOR ONTARIO

BILL Pr27

1977

An Act respecting The Perfume & Cosmetic Bars Limited

WHEREAS Chester Mill hereby represents that The ^{Preamble} Perfume & Cosmetic Bars Limited was incorporated by letters patent dated the 7th day of March, 1945; that the Minister of Consumer and Commercial Relations by order dated the 10th day of January, 1973, and made under the authority of section 251 of *The Business Corporations Act*, cancelled the letters patent of the corporation for default in filing annual returns and declared the corporation to be dissolved on the 14th day of February, 1973; that the applicant was the sole director and the holder of the common shares of the corporation at the time of its dissolution; and that the corporation at the time of its dissolution was and is now carrying on an active business in premises owned by it and known as 350 Talbot Street, London, Ontario; and whereas the applicant hereby applies for special legislation reviving the corporation; and whereas it is expedient to grant the application;

R.S.O. 1970,
c. 53

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Perfume & Cosmetic Bars Limited, incorporated by letters patent dated the 7th day of March, 1945, is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

The Perfume
& Cosmetic
Bars Limited
revived

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ment

3. This Act may be cited as *The Perfume & Cosmetic Bars Limited Act, 1977*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR

DISSOLVED
ASSEMBLY PROROGUED

April 29 1977

RODNEY LEWIS
CLERK
LEGISLATIVE ASSEMBLY

An Act respecting The Perfume &
Cosmetic Bars Limited

1st Reading

April 21st, 1977

2nd Reading

April 29th, 1977

3rd Reading

April 29th, 1977

MR. PETERSON

BILL 2

Pauline Py. Py. S. H.

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

An Act to amend The Highway Traffic Act

THE HON. J. W. SNOW
Minister of Transportation and Communications

TORONTO

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1890

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BILL 2

1977

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 81 of *The Highway Traffic Act*, being ^{s. 81 (2), re-enacted} chapter 202 of the Revised Statutes of Ontario, 1970, as amended by the Statutes of Ontario, 1975 (2nd Session), chapter 6, section 9, is repealed and the following substituted therefor:

(2) A vehicle or combination of vehicles may be operated in accordance with and subject to the provisions of Part VI only until and including the 31st day of March, 1978. ^{Part VI not to apply after March 31st, 1978}
2. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}
3. This Act may be cited as *The Highway Traffic Amendment Act, 1977*. ^{Short title}

PRESENTED TO BY LIEUTENANT-GOVERNOR March 31 1977
~~ASSEMBLY PROPOSED~~ DISSOLVED April 29 1977

Robert Lewis
 CLERK
 LEGISLATIVE ASSEMBLY

An Act to amend
The Highway Traffic Act

1st Reading

March 29th, 1977

2nd Reading

March 31st, 1977

3rd Reading

March 31st, 1977

THE HON. J. W. SNOW
Minister of Transportation
and Communications

BILL 10

Bill 10 *Amend. Act* *By* *Mr. Johnson*

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend
The Election Finances Reform Act, 1975**

MR. JOHNSON
(Wellington-Dufferin-Peel)

TORONTO

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100 North Dearborn Street
Chicago, Illinois 60610



BILL 10

1977

**An Act to amend
The Election Finances Reform Act, 1975**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 38 of *The Election Finances Reform Act, 1975*, being ^{s. 38,} chapter 12, is amended by adding thereto the following subsection:

 (2a) Nothing contained in subsection 1 shall prohibit the procuring for publication, causing to be published or consenting to the publication of an advertisement referred to therein on the day before polling day in a newspaper which is published in Ontario not more frequently than once a week and whose day of regular publication falls on the day before polling day. ^{Extension of period of campaign advertising}
2. This Act comes into force on the day it receives Royal Assent. ^{Commencement}
3. This Act may be cited as *The Election Finances Reform Amendment Act, 1977*. ^{Short title}

ASSENTED TO BY LIEUTENANT-GOVERNOR April 25 1977

^{DISSOLVED}
ASSEMBLY ~~PROCEEDED~~ April 29 1977

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

An Act to amend
The Election Finances
Reform Act, 1975

1st Reading

March 31st, 1977

2nd Reading

April 21st, 1977

3rd Reading

April 21st, 1977

MR. JOHNSON
(Wellington-Dufferin-Peel)

BILL 28

S. Pauline L. L. L. Hon

4TH SESSION, 30TH LEGISLATURE, ONTARIO
26 ELIZABETH II, 1977

**An Act to amend The Residential Premises
Rent Review Act, 1975 (2nd Session)**

THE HON. S. B. HANDLEMAN
Minister of Consumer and Commercial Relations

TORONTO

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An Act to amend The Residential Premises Rent Review Act, 1975 (2nd Session)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.—(1) Subsection 1 of section 5 of *The Residential Premises Rent Review Act, 1975 (2nd Session)*, being chapter 12, is repealed and the following substituted therefor: s. 5 (1),
re-enacted

(1) Subject to subsection 2 and except as provided in subsection 3, notwithstanding the terms of any tenancy agreement, no landlord shall charge a tenant for any rental period an amount of rent that, when computed on a monthly basis, exceeds the last rent that was lawfully charged for an equivalent rental period for residential premises by the lesser of 8 per cent or the rate of increase for compensation allowed under the Basic Protection Factor and National Productivity Factor as outlined in Part 4 of the Anti-Inflation Guidelines or such lesser percentage amount as may be determined by the Lieutenant Governor in Council. Maximum
permitted
increase
in rent

- (2) Subsection 2 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 36, section 2, is repealed and the following substituted therefor: s. 5 (2),
re-enacted

(2) Notwithstanding anything in this Act, no landlord shall charge and no order shall authorize an increase in the rent for residential premises to take effect within one year after the effective date of the latest preceding increase in the rent for the premises, and where rent is charged in contravention of this subsection or clause *a* of subsection 2 of section 20, in addition to any other penalty arising therefrom, the tenant is not liable to pay the amount of the increase. No increase
within a
year

- (3) Subsection 2*a* of the said section 5, as enacted by the Statutes of Ontario, 1976, chapter 36, section 2, is repealed. s. 5 (2*a*),
repealed

s. 5 (3),
re-enacted

- (4) Subsection 3 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 2, section 2 and 1976, chapter 36, section 2, is repealed and the following substituted therefor:

Application
by landlord
for increase
in rent

(3) Subject to subsection 2, where a landlord is of the opinion that increased operating costs and capital expenses that he has experienced, or anticipates on reasonable grounds that he will experience in respect of residential premises or the building or project in which they are situate will exceed the increase in rent permitted under subsection 1 and therefore desires an additional increase in the rent for the residential premises for a rental payment period, he may, at least sixty days before the commencement or renewal of the tenancy agreement to which the increase would apply, apply in the form and manner prescribed by the regulations to the Rent Review Officer for the region in which the premises are situate for approval of the rent increase applied for and shall, at the same time, also give a copy of his application for increase to the tenant of the residential premises.

s. 5 (4),
re-enacted

- (5) Subsection 4 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 2, section 2 and 1976, chapter 36, section 2, is repealed and the following substituted therefor:

Application
by tenant
to require
justification
of increase

(4) Subject to subsection 2, where a tenant who has entered into a tenancy agreement granting occupancy or renewal of occupancy of residential premises for any period wishes to dispute the amount of a rent increase, other than a rent increase that has been approved by a Rent Review Officer or the Board, and whether or not such increase is within the limits set out in subsection 1, he may, not later than sixty days after he receives notice of the increase, give notice to the landlord in the form prescribed by the regulations requiring the landlord to apply to the Rent Review Officer for the region in which the premises are situate to justify the increase and shall, at the same time, file a copy of the notice with the Rent Review Officer.

s. 5 (5) (a),
re-enacted

- (6) Clause *a* of subsection 5 of the said section 5, as amended by the Statutes of Ontario, 1976, chapter 36, section 2, is repealed and the following substituted therefor:

(a) reduce the rent increase to an amount agreed upon by himself and the tenant, but the amount of the increase shall not exceed the limits set out in subsection 1 or 2; or

- (7) Subsection 11 of the said section 5 is amended by striking out "within the current rent review period under subsection 1 or 2" in the seventh and eighth lines. s. 5 (11), amended
2. Section 6 of the said Act is repealed and the following substituted therefor: s. 6, re-enacted
6. At the time of the giving of a notice of rent increase under *The Landlord and Tenant Act*, the landlord seeking the increase shall, at the same time, supply the tenant receiving the same with written reasons for the increase. Notice of reasons for rent increase R.S.O. 1970, c. 236
3. Section 7 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 36, section 3, is further amended by adding thereto the following subsection: s. 7, amended
- (3a) At or prior to the commencement of any hearing, the Rent Review Officer shall satisfy himself about the sufficiency of any notices under subsection 1 of section 115 of *The Landlord and Tenant Act* or under section 6 of this Act and no order of the Rent Review Officer shall be effective unless the notices as required are sufficient. Where notice deemed properly given R.S.O. 1970, c. 236
4. Section 8 of the said Act, as amended by the Statutes of Ontario, 1976, chapter 36, section 4, is repealed and the following substituted therefor: s. 8, re-enacted
8. Until such time as the Rent Review Officer or Board renders his or its decision, a rent increase up to the limits imposed by subsections 1 and 2 of section 5 may be charged and collected by the landlord. Rent chargeable pending decision of Rent Review Officer or Board
5. Section 9 of the said Act is amended by adding at the end thereof "except for the purposes of applying subsection 2 of section 5". s. 9, amended
6. The said Act is amended by adding thereto the following section: s. 11a, enacted
- 11a. The Rent Review Officer in respect of any pending application under this Act shall request, in writing, that the landlord furnish him with written particulars as are available to the landlord of rents and rental agreements in effect on or after the 1st day of January, 1974, pertaining to residential premises in the building relating to each application and the Furnishing information

landlord shall furnish the Rent Review Officer in writing with the particulars requested.

s. 13,
amended

- 7.—(1) Section 13 of the said Act is amended by adding thereto the following subsection:

Application
for leave to
appeal

(1a) Notwithstanding that a person did not appear at a hearing held by a Rent Review Officer, he may apply in writing to the Board for permission to appeal, and the Board may in its discretion permit him to appeal upon such terms and conditions as it considers just.

s. 13 (2),
re-enacted

- (2) Subsection 2 of the said section 13 is repealed and the following substituted therefor:

Notice of
appeal

(2) An appeal to the Board shall be by notice in writing in the prescribed form filed with the Board within twenty-one days after the date of the order of the Rent Review Officer and a copy of the notice shall be given,

(a) to the landlord where the appeal is by a tenant; and

(b) to the tenant of each residential premises in respect of which the appeal is brought where the appeal is by a landlord,

not later than seven days after the notice of appeal is filed with the Board.

s. 13 (5),
re-enacted

- (3) Subsection 5 of the said section 13 is repealed and the following substituted therefor:

Decision
final subject
to subs. 7

(5) The decision of the Board under subsection 4 is final and not subject to appeal except where the Board decides to rehear an appeal pursuant to subsection 7.

s. 13 (6),
re-enacted

- (4) Subsection 6 of the said section 13 is repealed and the following substituted therefor:

Application
of s. 7 (4)

(6) Subsection 4 of section 7 applies *mutatis mutandis* to an order or decision of the Board made under subsection 4 or 7 of this section, and if the order or decision of the Board varies an order of the Rent Review Officer or of the Board that has previously been filed under subsection 4 of section 7, or under this subsection, the order previously filed as so varied may be enforced in the same manner as the original order.

- (5) The said section 13 is further amended by adding thereto ^{s. 13, amended} the following subsection:

(7) Notwithstanding subsection 5, the Board may, within ^{Board may rehear appeal} 30 days after making an order, decide on its own motion to rehear an appeal where in its opinion there has been a serious error, and at such rehearing, the Board may confirm, rescind, amend or replace any decision or order previously made, and this decision of the Board is final and not subject to appeal.

- 8.—(1) Clause *a* of subsection 1 of section 15 of the said Act is ^{s. 15 (1) (a), amended} amended by striking out "2" in the second line and inserting in lieu thereof "1".

- (2) Subsection 1 of the said section 15 is amended by adding ^{s. 15 (1), amended} thereto the following clause:

(aa) requiring the payment of fees and prescribing the amounts thereof.

9. Clause *b* of subsection 1 of section 16 of the said Act, as ^{s. 16 (1) (b), amended} amended by the Statutes of Ontario, 1976, chapter 36, section 6, exclusive of the subclauses, is repealed and the following substituted therefor:

(b) to a tenant is sufficiently given if delivered personally to the tenant, but, where the notice or application cannot be given by reason of the tenant's absence from his premises or by reason of his evading service, or where the tenant has apparently abandoned the premises, the notice or application may be given,

10. Section 17 of the said Act, as amended by the Statutes of ^{s. 17, re-enacted} Ontario, 1976, chapter 36, section 7, is repealed and the following substituted therefor:

17.—(1) Every person who,

Penalties

(a) contravenes or attempts to contravene section 4, subsection 1 or 2 of section 5, section 10, or clause *a* of subsection 2 of section 20;

(b) refuses to furnish information requested under section 11*a* or refuses to file information as required by subsection 10 of section 5;

(c) knowingly furnishes false information in any application under this Act or regulations or in any state-

ment of particulars or forms required to be furnished or filed under this Act or regulations;

- (d) collects more than the maximum rent chargeable under an order of a Rent Review Officer or the Board; or
- (e) refuses to file an application for rent review when so ordered by a Rent Review Officer under subsection 11 of section 5,

and every director or officer of a corporation who knowingly concurs in such contravention or collection is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000.

Idem

- (2) Where a corporation is convicted of an offence under subsection 1, the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein.

s. 20,
amended

- 11.**—(1) Section 20 of the said Act is amended by striking out “and is repealed on the 1st day of August, 1977” in the fifth line and inserting in lieu thereof “and is repealed on the 31st day of December, 1978”.

s. 20,
amended

- (2) The said section 20 is further amended by adding thereto the following subsection:

Idem

- (2) Notwithstanding subsection 1,

- (a) where there has been an increase in rent for residential premises charged to take effect after the 31st day of December, 1977, and on or before the 31st day of December, 1978, the landlord shall not charge and no order shall authorize any further increase in rent for the premises to take effect within twelve months after the said increase took effect and this Act continues in force for the purpose of the implementation and enforcement of this clause; and

- (b) this Act continues in force for the purpose of,

- (i) hearing and making orders in respect of applications and appeals filed on or before the 31st day of December, 1978, relating to a rental period commencing on or before that date, and

- (ii) enforcing orders made under this Act.

12. This Act comes into force on the day it receives Royal Assent. Commence-
ment
13. This Act may be cited as *The Residential Premises Rent Review* Short title
Amendment Act, 1977.

ASSENTED TO BY LIEUTENANT-GOVERNOR April 29, 1977

DISSOLVED
ASSEMBLY ~~PROROGUED~~ April 29, 1977

Robert Lewis
CLERK
LEGISLATIVE ASSEMBLY

BILL 28

An Act to amend The Residential Premises
Rent Review Act, 1975 (2nd Session)

1st Reading

April 12th, 1977

2nd Reading

April 26th, 1977

3rd Reading

April 29th, 1977

THE HON. S. B. HANDLEMAN
Minister of Consumer and
Commercial Relations

